



Luann G. Welmer, Clerk-Treasurer

**CITY COUNCIL MEETING
CITY HALL
TUESDAY, JUNE 5, 2012
6:00 O'CLOCK P.M.**

I. Meeting Called to Order

- A. Opening Prayer
- B. Pledge of Allegiance
- C. Roll Call
- D. Acceptance of Minutes

II. Unfinished Business Requiring Council Action

- A. Second Reading of an Ordinance entitled "ORDINANCE NO._____, 2012, AN ORDINANCE PROVIDING FOR THE ADDITIONAL APPROPRIATION OF FUNDS FOR THE BUDGET YEAR 2012." Mayor Brown.
- B. Second Reading of an Ordinance entitled "ORDINANCE NO._____, 2012, AMENDED FROM ORDINANCE NO. 5, 2012 (ORIGINAL ORDINANCE NO. 24, 2011) 2012 SALARY ORDINANCE." Luann Welmer.

III. New Business Requiring Council Action

- A. First Reading of an Ordinance entitled "ORDINANCE NO._____, 2012, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY FROM "CC" (COMMERCIAL: COMMUNITY CENTER) TO "13" (INDUSTRIAL: HEAVY). (NuSun, Inc. Rezoning). Jeff Bergman.
- B. First Reading of an Ordinance entitled "ORDINANCE NO._____, 2012, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO AMEND CHAPTER 2.50 OF THE COLUMBUS CITY CODE, BOARD OF PUBLIC WORKS AND SAFETY." Jeff Logston.

- C. First Reading of an Ordinance entitled "ORDINANCE NO._____, 2012, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO AMEND CHAPTER 2.16 OF THE COLUMBUS CITY CODE, DEPARTMENT OF ADMINISTRATION." Jeff Logston.
- D. First Reading of an Ordinance entitled "ORDINANCE NO._____, 2012, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO AMEND THE FOLLOWING CHAPTERS OF THE COLUMBUS CITY CODE: CHAPTER 2.14 ANIMAL CONTROL MANAGER; CHAPTER 2.54, ANIMAL CONTROL COMMISSION; AND TITLE 6, ANIMALS". Kevin Konetzka and Jason Maddix.
- E. First Reading of an Ordinance entitled "ORDINANCE NO._____, 2012, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO AMEND CHAPTER 2 OF THE COLUMBUS CITY CODE BY ADDING CHAPTER 2, ARTICLE 94, CITY GARAGE DEPARTMENT". Kelly Benjamin.
- F. First Reading of an Ordinance entitled "ORDINANCE NO._____, 2012, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO AMEND CHAPTER 2 OF THE COLUMBUS CITY CODE BY ADDING CHAPTER 2, ARTICLE 96, ENGINEERING DEPARTMENT." Kelly Benjamin.

IV. Other Business

- A. Standing Committee and Liaison Reports
- B. Discussion Items:
- Fireworks Ordinance Changes - Kelly Benjamin.
 - Update on Capital Projects from Bond – Jim Lienhoop.
 - Update City Budget Hearings – Jeff Logston.
 - Amend Chapter 8.32 City Code, Weeds– Bryan Burton.
- C. Next regular meeting is scheduled for **Tuesday, June 19, 2012 at 6:00 o'clock P.M. in City Hall.**
- D. Adjournment.

Council Members:

Attached is the agenda for the Tuesday, June 5 City Council Meeting, along with supporting documents. Listed below are brief summaries of the various action and discussion items on the agenda:

Action Items

1. **Second reading of the ordinance appropriating funds for the 2012 Budget year** – This ordinance appropriates funds for a Comprehensive Flood Management Plan. Total cost is \$171,400; \$53,000 comes from a grant and the remaining \$118,400 to come from EDIT funds.
2. **Second reading of the ordinance amending the 2012 salary ordinance** – This ordinance moves the City Attorney salaried employee position to a newly created department entitled “Legal Department”; salary amount does not change.
3. **First reading of an ordinance rezoning property at 7440 South International Drive (NuSun, Inc.)** from the current CC (Commercial: Community Center) to I3 (Industrial: Heavy). NuSun, Inc., which operates a solar panel manufacturing business, is currently operating in a building that is legally non-conforming. The rezoning is needed for NuSun, Inc. to expand its facility.
4. **First reading of an ordinance which to amend the ordinance for the Board of Public Works and Safety** – This amendment clarifies the role of the BPW and adds corrected language.
5. **First reading of an ordinance which amends the ordinance for the Department of Administration** – This amendment updates city code with organizational changes. It also eliminates language about the former CYPAL league (Columbus youth police activities league) director.
6. **First reading of an ordinance which amends the Animal Control Department** – City Council has already had discussion on this issue. This amendment establishes a title change from Animal Control to Animal Care Services and deals with all name change specifics.
7. **First reading of an ordinance which amends City Code by establishing a City Garage Department** – This amendment establishes the City Garage Department. This department is referred to in other areas of the city code, but has never been established by ordinance.
8. **First reading of an ordinance which amends City Code by establishing an Engineering Department** – This amendment establishes the Engineering Department. This department is also referred to in other areas of the city code, but has never been established by ordinance.

Discussion Items

1. **Safe Routes to School Plan** – Plan to improve the safety for students walking or bicycling to elementary and middle schools. – Rae-leigh Stark and Jeff Bergman
2. **Fireworks Ordinance Changes** – City is looking at updates on the city’s fireworks ordinance to comply with Indiana state statutes. Kelly Benjamin has prepared a summary which is attached.
3. **Update on Capital Projects from Bond** – Jim Leinhop
4. **Update City Budget Hearings** – Jeff Logston

5. **Amend Weed Ordinance** – City will update the current ordinance to comply with Indiana state statues in allowing continuous weed abatement notice. A new Indiana law takes effect July 1. – Bryan Burton.

Mary K. Ferdon
Community Development Director
City of Columbus – City Hall
123 Washington Street
Columbus, IN 47201
(812) 376-2520
mferdon@columbus.in.gov



ORDINANCE NO. __, 2012

**AN ORDINANCE PROVIDING FOR THE ADDITIONAL APPROPRIATION
OF FUNDS FOR THE BUDGET YEAR 2012**

WHEREAS, the Indiana General Assembly has adopted a policy to grant local units of government all powers that they need for the effective operation of government as to local affairs through Indiana Code 36-1-3-2; and

WHEREAS, it is desire of the Mayor to address the City's need for a Comprehensive Flood Management Plan; and

WHEREAS, it is necessary to appropriate additional funds from the Economic Development Income Tax Fund in the amount of \$118,400.00 for the Comprehensive Flood Management Plan; and

WHEREAS, there are additional funds in the amount of \$118,400.00 available for these purposes and these funds must be appropriated for these purposes before they can be spent.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, that the funds in the amount of One Hundred Eighteen Thousand Four Hundred Dollars (\$118,400.00) shall be paid during the 2012 budget year and the same is hereby appropriated and ordered to be paid from the Economic Development Income Tax Fund for the City of Columbus, Indiana and for the purposes of developing a Comprehensive Flood Management Plan.

BE IT FURTHER ORDAINED, that the above additional appropriations shall be effective as of the date of adoption of this Ordinance.

BE IT FURTHER ORDAINED, that the Clerk Treasurer and the Mayor be and are hereby authorized and empowered and directed to take any and all further actions necessary to effect this additional appropriation.

ADOPTED, by the Common Council of the City of Columbus, Indiana, this ____ day of _____, 2012 at _____ o'clock P.M. by a vote of ____ ayes and ____ nays.

Presiding Officer

ATTEST:

Luann Welmer
Clerk Treasurer, City of Columbus, Indiana

Presented to me, the Mayor of Columbus, Indiana, the _____ day of _____, 2012 at
_____ o'clock P.M.

Kristen Brown
Mayor, City of Columbus, Indiana

ORDINANCE NO. ____, 2012
AMENDED FROM ORDINANCE NO. 5, 2012
(ORIGINAL ORDINANCE NO. 24, 2011)
2012 SALARY ORDINANCE

AN ORDINANCE FIXING SALARIES AND WAGES OF OFFICERS AND EMPLOYEES OF THE CITY OF COLUMBUS, INDIANA FOR CALENDAR YEAR 2012.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS INDIANA:

SECTION I - SALARIED

That, and from after the first day of January, 2012, the following salaried employees of the City of Columbus, Indiana shall receive no more than the amount listed below the column named "MAXIMUM." The "Entry" column is entered as a guideline for suggested beginning salary.

	SALARY ENTRY	SALARY MAXIMUM
ADMINISTRATION		
Director of Human Resources	\$ 47,120	\$ 67,315
ANIMAL SHELTER		
Animal Control Manager	\$ 30,599	\$ 43,713
Animal Control Officer (4)	\$ 24,574	\$ 35,106
AVIATION		
Manager	\$ 50,506	\$ 72,152
Office Supervisor	\$ 23,936	\$ 34,194
Maintenance Manager.....	\$ 36,614	\$ 52,306
BOARD OF WORKS		
Citizens Members(2)	\$ 1,728	\$ 2,469
CITY HALL		
Building Supervisor	\$ 33,814	\$ 48,305
CLERK-TREASURER		
Administrative Assistant	\$ 23,185	\$ 32,625
Chief Deputy Clerk Treasurer	\$ 29,490	\$ 42,129
Accts Payable/Receivable	\$ 27,604	\$ 38,663
Payroll and Benefits Manager	\$ 29,461	\$ 42,088
Accounting Specialist.....	\$ 28,126	\$ 40,181
COMMUNITY DEVELOPMENT		
Executive Director	\$ 47,120	\$ 67,315
Program Manager	\$ 31,307	\$ 44,725
Secretary	\$ 23,649	\$ 33,784
INFORMATION SERVICES		
Director of Operations and Finance	\$ 51,122	\$ 73,031
Asst Manager of Information Services	\$ 36,660	\$ 52,372
Technician	\$ 28,840	\$ 41,200

	SALARY ENTRY	SALARY MAXIMUM
ENGINEERING		
City Engineer	\$ 53,552	\$ 76,504
Assistant Engineer	\$ 43,555	\$ 62,221
Senior Engineering Technician	\$ 35,983	\$ 51,404
Engineering Technicians (3)	\$ 26,532	\$ 37,903
FIRE DEPARTMENT		
Assistant Mechanic.....	\$ 27,596	\$ 39,423
Chief & Director of Emergency Management.....	\$ 53,552	\$ 76,504
Deputy Chief (2).....	\$ 37,412	\$ 53,446
Battalion Chiefs (3)	\$ 36,222	\$ 51,746
Public Information Officer	\$ 34,948	\$ 49,925
Investigator/Inspectors (2)	\$ 34,948	\$ 49,925
Master Mechanic	\$ 36,222	\$ 51,746
Captains (6)	\$ 34,948	\$ 49,925
Training Officer	\$ 34,948	\$ 49,925
Lieutenants (12)	\$ 33,829	\$ 48,327
Sergeants (6)	\$ 32,263	\$ 46,090
Firefighters (60)	\$ 29,590	\$ 42,272
Fire Systems Operator	\$ 23,652	\$ 33,789
Records Clerk	\$ 23,652	\$ 33,789
HUMAN RIGHTS		
Director	\$ 47,121	\$ 67,315
Deputy Director	\$ 30,495	\$ 43,565
Secretary	\$ 23,649	\$ 33,784
Secretary - Personnel.....	\$ 23,649	\$ 33,784
LEGAL DEPARTMENT		
City Attorney	\$ 53,552	\$ 76,504
MAYOR'S OFFICE		
Executive Secretary	\$ 25,754	\$ 36,792
MOTOR VEHICLE HIGHWAY		
Street & Recycling Supervisor	\$ 42,073	\$ 60,104
METROPOLITAN PLANNING		
Manager.....	\$ 41,788	\$ 59,697
PARK AND RECREATION		
Director of Parks & Recreation	\$ 56,041	\$ 80,059
Assistant Director of Parks & Rec	\$ 41,959	\$ 59,941
Director of Business Services	\$ 41,959	\$ 59,941
Administrative Assistant.....	\$ 30,230	\$ 43,185
Director of Park Operations	\$ 41,959	\$ 59,941
Park Maintenance Manager.....	\$ 37,175	\$ 53,107
Director of Sports Program and Athletic Facilities..	\$ 41,136	\$ 59,941
Accounts Payable Specialist.....	\$ 23,649	\$ 33,784
Sports Coordinator.....	\$ 26,704	\$ 38,913
Director of Recreation	\$ 41,958	\$ 59,941
Secretary - Park Operations	\$ 23,649	\$ 33,784
Customer Service Specialist.....	\$ 22,510	\$ 33,784
Payroll/HR Specialist.....	\$ 23,649	\$ 33,784
Project & Resource Development Director.....	\$ 37,175	\$ 53,107
Recreation/CGC Program Manager.....	\$ 35,155	\$ 50,221
Marketing Coordinator	\$ 27,239	\$ 38,913
Aquatics Director.....	\$ 35,293	\$ 50,419

Project Planning Director.....	\$	27,239	\$	38,912
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		SALARY		SALARY
		ENTRY		MAXIMUM

The Commons Manager.....	\$	37,175	\$	53,107
The Commons Administrative Asst	\$	22,960	\$	33,784

Receptionist/Lead Secretary CGC/FFY.....	\$	23,649	\$	33,784
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Hamilton Center Secretary.....	\$	23,649	\$	33,784
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Hamilton Center Operations Manager.....	\$	25,837	\$	36,909
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Hamilton Center Manager.....	\$	27,171	\$	38,817
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POLICE PARKING METER OFFICE

Secretary	\$	22,838	\$	32,625
Meter Attendants (1)	\$	21,099	\$	30,142

PLANNING DEPARTMENT

Director	\$	51,293	\$	73,275
Assistant Director	\$	42,439	\$	60,627
Senior Planner(2).....	\$	33,758	\$	48,155
Associate Planners (2)	\$	29,294	\$	40,469
Assistant Planner	\$	24,570	\$	35,802
Enforcement Coordinator.....	\$	30,605	\$	43,722
Secretary.....	\$	23,650	\$	33,785

POLICE DEPARTMENT

Chief	\$	43,988	\$	62,840
Deputy Chief (1).....	\$	37,412	\$	53,446
Captains (2)	\$	34,948	\$	49,925
Lieutenants (10)	\$	33,829	\$	48,327
Sergeants (15)	\$	32,263	\$	46,090
Patrol Officers (47)	\$	30,573	\$	43,675
Mechanic	\$	27,597	\$	39,424
Secretary - Chief	\$	23,649	\$	33,784
Secretary (2)	\$	22,838	\$	32,625
Record Clerks (2)	\$	22,838	\$	32,625

REDEVELOPMENT

Director of Redevelopment	\$	47,121	\$	67,315
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RISK MANAGEMENT

Admin. Assistant.....	\$	23,649	\$	33,784
Loss Control Coordinator	\$	34,493	\$	49,275

SANITATION

Office Administrator	\$	24,687	\$	35,267
Secretary.....	\$	23,650	\$	33,785

TRAFFIC DEPARTMENT

Foreman	\$	28,861	\$	41,231
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TRANSIT

Coordinator	\$	28,861	\$	41,231
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Operations Asst	\$	24,687	\$	35,267
TECHNOLOGY ADVISORY COMMITTEE				
Community Information Technology Executive....	\$	47,802	\$	68,289

SECTION II - HOURLY

That, and from after the First day of January, 2012, the following hourly employees of the City of Columbus, Indiana shall receive no more than the rate listed below the column named "MAXIMUM." The "ENTRY" column is entered as a guideline for a suggested beginning salary.

		ENTRY		MAXIMUM
HUMAN RESOURCES				
Assistant	\$	9.16		\$13.09
ANIMAL SHELTER				
Full Time Laborer	\$	9.52	\$	13.60
AVIATION				
Maintenance Laborer (2)	\$	11.19	\$	15.98
Part Time Laborers (4)	\$	7.69	\$	10.99
CITY HALL				
Building and Grounds Maintenance (2)	\$	10.69	\$	15.27
Custodian (2).....	\$	10.08	\$	14.40
CLERK TREASURER				
COMMUNITY DEVELOPMENT				
ENGINEERING				
FIRE DEPARTMENT				
HUMAN RIGHTS				

MAYOR'S OFFICE

ENTRY MAXIMUM

MOTOR VEHICLE HIGHWAY

Foreman	\$	13.02	\$	18.60
Operators (5)	\$	12.46	\$	17.80
Drivers (11)	\$	11.87	\$	16.95

PARK AND RECREATION - Full Time

Athletic Facilities Assistant Team Leader.....	\$	12.18	\$	17.75
Assistant Head Custodian FFY.....	\$	12.43	\$	17.75
Mechanic (2).....	\$	14.86	\$	21.23
Assistant Mechanic	\$	12.42	\$	17.75
Maintenance Supervisor	\$	14.83	\$	21.19
General Operator	\$	12.42	\$	17.75
Head Custodian	\$	13.30	\$	19.00
Assistant Team Leader - Grounds (2)	\$	12.42	\$	17.75
Head Custodian FFY.....	\$	13.30	\$	19.00
Team Leader - Grounds.....	\$	13.30	\$	19.00
Athletic Facilities Supervisor	\$	14.84	\$	21.20
Athletic Facilities Laborer (2)	\$	10.07	\$	14.40
Team Leader	\$	13.30	\$	19.00
Laborer - Maintenance and Grounds (5)	\$	10.07	\$	14.40
Assistant Team Leader	\$	12.42	\$	17.75
Donner Custodian	\$	10.07	\$	14.40
Custodian - FFY (4).....	\$	10.07	\$	14.40

PARK AND RECREATION - Part Time & Seasonal

Park Patrol (6)	\$	9.01	\$	14.98
Part Time Maintenance & Grounds Laborer (11) ...	\$	7.25	\$	10.59
Office Worker (3)	\$	7.25	\$	12.18
Landscape Mgmt. Interns (4)	\$	7.25	\$	10.59
Police Security (Off Duty)	\$	30.74	\$	43.92
Recreation Staff Member (50)	\$	7.25	\$	14.92
Donner Night Supervisor (8)	\$	7.25	\$	10.22
Donner Pool Guards (35)	\$	7.25	\$	13.16
Donner Center Part Time Custodian	\$	7.25	\$	10.59
Donner Pool Staff Member (50).....	\$	7.25	\$	21.01
Custodian - FFY.....	\$	7.25	\$	10.59
Marketing Coordinator.....	\$	12.45	\$	18.70
Secretary Park OPS.....	\$	10.56	\$	16.23

PARK AND RECREATION - NON REVERTING

The Commons Maintenance Team Leader.....	\$	13.30	\$	19.00
The Commons Maintenance Asst. Team Leader.	\$	12.42	\$	17.75
The Commons Maintenance Labor (4).....	\$	10.07	\$	14.40
Hamilton Center Staff Member (PT) (35)	\$	7.25	\$	21.64
Customer Service Specialist.....	\$	7.25	\$	9.46
Athletic Facilities Laborer (FT)	\$	10.07	\$	14.39

Recreation Leaders (25)	\$	7.25	\$	14.92
Gymnastics Staff Members (20)	\$	7.25	\$	18.39
Sports Staff Members (50)	\$	7.25	\$	20.35
Concession/Batting Cage Attendants (PT) (12)....	\$	7.25	\$	12.78

RISK MANAGEMENT

PLANNING DEPARTMENT

POLICE DEPARTMENT

Part-time Secretary.....	\$	-	\$	-
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SANITATION

Foreman	\$	13.02	\$	18.60
Operator (4).....	\$	12.46	\$	17.80
Drivers (16)	\$	11.87	\$	16.95
Part Time Driver (5)	\$	9.66	\$	13.80

ENTRY MAXIMUM

SHOP AND GARAGE

Mechanic	\$	14.45	\$	20.65
Mechanic's Assistant.....	\$	12.46	\$	17.80
Driver.....	\$	11.87	\$	16.95

TRAFFIC

Drivers (4)	\$	11.87	\$	16.95
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TRANSIT

Bus Driver (13)	\$	11.87	\$	16.95
Mechanic	\$	14.45	\$	20.65
On-Call Driver (7)	\$	11.87	\$	16.95

SECTION III - OTHER PAYMENTS

The Following Maximum Expenditures shall be allowed in compliance with provisions of the City Personnel Policy as currently in force.

AVIATION

Overtime	\$	3,878
Faithful Service Pay	\$	1,200

ANIMAL SHELTER

Overtime	\$	9,336
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BOARD OF WORKS

Faithful Service Pay	\$	37,900
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CITY HALL

Overtime	\$	4,030
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FIRE DEPARTMENT

Scheduled Overtime	\$	155,798
Unscheduled Overtime	\$	112,021
Longevity (Per Policy)	\$	439,698
Additional Service (Per Policy)	\$	8,400
Holidays (Per Policy)	\$	226,228
Uniforms (\$900 Per Person)	\$	85,500
College Credit (Per Policy)	\$	57,900
Hazmat Certification Pay	\$	28,500
EMS Certification Pay	\$	70,000

Military Service Pay	\$	15,000
HUMAN RIGHTS		
Overtime	\$	480
MOTOR VEHICLE HIGHWAY		
Overtime	\$	93,666
PARK AND RECREATION		
Overtime	\$	63,358
Faithful Service Pay.....	\$	6,100
PLANNING DEPARTMENT		
Supplemental Pay.....	\$	1,380
POLICE DEPARTMENT		
School Guard Maximum (Per Day)		\$31.52
Overtime	\$	163,737
Longevity (Per Policy)	\$	241,000
Additional Service Pay and		
Detective Incentive Pay (per policy).....	\$	26,572
Uniforms (\$900 Per Officer)	\$	69,000
College Credit & Military Pay (Per Policy)	\$	172,144
Shift Differential (5% & 10%)	\$	164,435
Total Per Deim for School Guards.....	\$	112,494
Uniforms (\$500 Per Parking Attendant)	\$	500
SANITATION		
Overtime	\$	74,882
SHOP AND GARAGE		
Overtime	\$	12,662
TRAFFIC DEPARTMENT		
Overtime	\$	20,382
TRANSIT DEPARTMENT		
Overtime	\$	40,160
Faithful Service.....	\$	2,200
PASSED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA on this the ____ day		
of _____, 2012, by vote of ____ ayes and ____ nays.		

 Presiding Officer of the Common Council
 of Columbus, Indiana

ATTEST:

 Clerk of the Common Council of Columbus, Indiana

Presented by me to the Mayor of Columbus, Indiana, this ____ day of _____, 2012,
 at ____ o'clock, __.M.

 Clerk-Treasure of the City of
 Columbus, Indiana

Approved and signed by me this _____ day of _____, 2012, at _____ o'clock _____.M.

Mayor of the City of Columbus, Indiana

Suggested Amendments to the 2012 Salary Ordinance

Page 1

ADMINISTRATION

1. Remove Position of City Attorney to be placed under Legal

Page 2

LEGAL DEPARTMENT

2. Create Legal Department and add City Attorney position



MEMORANDUM

TO: Columbus City Council Members

FROM: Jeff Bergman, AICP
on behalf of the Columbus Plan Commission

DATE: May 29, 2012

RE: RZ-12-02 (*Nusun, Inc. Rezoning*)

At its May 9, 2012 meeting, the Columbus Plan Commission reviewed the above referenced application and forwarded it to the City Council with a favorable recommendation by a vote of 10 in favor and 0 opposed.

Nusun, Inc. proposes to rezone their property at 7440 South International Drive from the current "CC" (Commercial: Community Center) to "I3" (Industrial: Heavy). This property is located at the southwest corner of the intersection of State Road 58 and International Drive. Prior to the 2008 adoption of a replacement zoning ordinance by the City of Columbus this property was zoned B-5, which allowed a mixture of commercial and industrial uses. The property was assigned a CC designation through the zoning replacement process. Nusun, Inc. is operating its solar panel manufacturing business from the property currently and was allowed to do so despite the CC zoning because it moved into a legal non-conforming ("grandfathered") industrial building that pre-dated the 2008 zoning change. Nusun has indicated an intent to expand its operations by adding a second building on the property. This expansion cannot occur without appropriate, industrial zoning.

No members of the public spoke at the Plan Commission hearing on this topic.

The following items of information are attached to this memo for your consideration:

1. The proposed ordinance approving the rezoning,
2. The resolution certifying the action of the Plan Commission,
3. A copy of the Plan Commission staff report, and
4. A location map.

Please feel free to contact me if you have any questions regarding this matter.

ORDINANCE NO.: _____, 2012

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY
FROM "CC" (COMMERCIAL: COMMUNITY CENTER)
TO "I3" (INDUSTRIAL: HEAVY)**

**To be known as the: Nusun, Inc. Rezoning
Plan Commission Case No.: RZ-12-02**

WHEREAS, this rezoning was requested by Nusun, Inc. and includes the consent of all owners of the subject property; and

WHEREAS, the Columbus Plan Commission did, on May 9, 2012, hold a legally advertised public hearing on said request and has certified a favorable recommendation to the Common Council; and

WHEREAS, the Common Council of the City of Columbus, Indiana has considered the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Columbus, Indiana, as follows:

SECTION 1: Official Zoning Map

The zoning classification of the following described real estate, which is in the zoning jurisdiction of the City of Columbus, Indiana, shall be changed from "CC" (Commercial: Community Center) to "I3" (Industrial: Heavy):

Lot Numbered Seven-B (7B) in Woodside South Industrial Park, A Replat of Lot 7A, recorded October 9, 1998 as Instrument #98-16045 in Plat Book "Q", page 2C, in the Office of the Recorder of Bartholomew County, Indiana.

SECTION 2: Condition(s)

No conditions are attached to this rezoning.

SECTION 3: Repealer

All ordinances or parts thereof in conflict with this Ordinance shall be repealed to the extent of such conflict.

SECTION 4: Severability

If any provision, or the application of any provision, of this Ordinance is held unconstitutional or invalid the remainder of the Ordinance, or the application of such provision to other circumstances, shall be unaffected.

SECTION 5: Effective Date

This Ordinance shall be effective upon and after the date and time of its adoption, as provided in Indiana law.

ADOPTED, by the Common Council of the City of Columbus, Indiana, this _____ day of _____, 2012 at _____ o'clock _____.m., by a vote of _____ ayes and _____ nays.

Presiding Officer

ATTEST:

Luann Welmer
Clerk-Treasurer of the City of Columbus, Indiana

Presented to me, the Mayor of Columbus, Indiana, the _____ day of _____, 2012 at _____ o'clock _____.m.

Kristen S. Brown
Mayor of the City of Columbus, Indiana

RESOLUTION: RZ-12-02

of the City of Columbus, Indiana Plan Commission

regarding
Case number RZ-12-02
(Nusun, Inc. Rezoning),
a proposal to rezone +/-3.68 acres
from CC (Commercial: Community Center) to I3 (Industrial: Heavy)

WHEREAS, the Plan Commission has received the application referenced above from Nusun, Inc.; and

WHEREAS, the applicant(s) represent 100% of the property owners involved in the rezoning request, which meets the requirements of IC 36-7-4-602(c); and

WHEREAS, the Plan Commission did, on May 9, 2012, hold a public hearing consistent with the applicable requirements of Indiana law, the Columbus & Bartholomew County Zoning Ordinance, and the Plan Commission Rules of Procedure; and

WHEREAS, the Plan Commission did pay reasonable regard to the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance; and

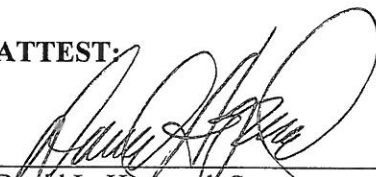
WHEREAS, the Plan Commission recognizes that its action on this matter represents a recommendation to the Common Council of the City of Columbus, Indiana, which will be responsible for final action on the request.

NOW THEREFORE BE IT RESOLVED, by the Plan Commission of the City of Columbus, Indiana, as follows:

- 1) The rezoning of the property subject to the application (approximately 3.68 acres located at the southwest corner of State Road 58 and International Drive) is forwarded to the Common Council with a favorable recommendation.
- 2) This resolution shall serve as the certification required for such ordinance amendments (re-zonings) by IC 36-7-4-605.

ADOPTED BY THE COLUMBUS, INDIANA PLAN COMMISSION THIS 9th DAY OF, MAY 2012 BY A VOTE OF 10 IN FAVOR AND 0 OPPOSED.

ATTEST:



David L. Hayward, Secretary

Roger Lang, President

Prepared by the City of Columbus - Bartholomew County Planning Department
Jeffrey R. Bergman, AICP #014602 - Planning Director



STAFF REPORT

CITY OF COLUMBUS PLAN COMMISSION (May 9, 2012 Meeting)

Docket No. / Project Title: RZ-12-02 (Nusun, Inc.)
Staff: Derek Naber

Applicant: Nusun Solar, Inc.
Property Size: 3.68 Acres
Current Zoning: CC (Commercial: Community Center)
Proposed Zoning: I-3 (Industrial: Heavy)
Location: 7440 South International Drive, in the City of Columbus

Background Summary:

The applicant has indicated that the proposed rezoning is for the purpose of allowing future expansion(s) for general industrial production.

Key Issue Summary:

The following key issue(s) should be resolved through the consideration of this application: Is an industrial zoning district appropriate at this location?

Preliminary Staff Recommendation:

Favorable Recommendation to City Council

Plan Commission Options:

In reviewing a request for rezoning the Plan Commission may (1) forward a favorable recommendation to the City Council, (2) forward an unfavorable recommendation to the City Council, (3) forward the application to City Council with no recommendation, or (4) continue the review to the next Plan Commission meeting. The Plan Commission may attach conditions to any recommendation which are to become written commitments of the applicant. The City Council makes all final decisions regarding rezoning applications.

Decision Criteria:

Indiana law and the Columbus Zoning Ordinance require that the Plan Commission and City Council pay reasonable regard to the following when considering a rezoning:

The Comprehensive Plan.

Preliminary Staff Comments: The Comprehensive Plan recommends that commercial development should be located along highway corridors. The Comprehensive Plan also encourages industrial development in the Woodside / Walesboro area which has adequate resources and is compatible to its surroundings. Further, the Comprehensive Plan recommends that industrial uses should be clustered in the same area.

The current conditions and the character of current structures and uses in each district.

Preliminary Staff Comments: The subject property currently features an existing industrial structure suitable for general industrial production. There is also a screened outdoor storage area and loading zone which are appropriate in industrial areas and zoning districts.

The most desirable use for which the land in each district is adapted.

Preliminary Staff Comments: The subject property is located at the entrance of the Woodside South Industrial Park which is an area with other industrial developed properties. The property is also located along SR 58, where other commercial properties in the Woodside / Walesboro area are located.

The conservation of property values throughout the jurisdiction of the City of Columbus.

Preliminary Staff Comments: The continued expansion of the Woodside South Industrial Park would further enhance and add to the surrounding industrial area. The property however is adjacent to residential homes to the west where no buffer would be required because of the agriculture zoning of these properties and the separation provided by County Road 300 West.

Responsible growth and development.

Preliminary Staff Comments: All new expansions and additions on the subject property would occur where there is adequate vehicular access and utilities. The existing property is located within the current city limits and is currently served by local water and wastewater infrastructure.

Current Property Information:	
Land Use:	General Industrial Production
Site Features:	The site features an industrial building, parking lot, outdoor storage area, and landscaping.
Flood Hazards:	No flood hazards exist at this location.
Special Circumstances: (Airport Hazard Area, Wellfield Protection Area, etc.)	No special circumstances exist at this location.
Vehicle Access:	The property gains access from International Drive (Local, Industrial, Suburban).

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	I-1 (Industrial: Light)	Farmland
South:	I-3 (Industrial: Heavy)	General Industrial Production
East:	CC (Commercial: Community Center)	Vacant Land (Undeveloped)
West:	AP (Agriculture: Preferred)	Single-Family Residential

	Commercial Uses (cont.): <ul style="list-style-type: none"> • Auto Rental (included Truck, RV, etc.) • Builder's Supply Store • Equipment Rental • Health Spa • Hotel / Motel • Instructional Center • Liquor Store • Office Uses • Personal Service Uses • Recreation Uses (Small Scale) • Recreation Uses (Medium Scale) • Restaurant • Retail Uses (Small Scale) • Retail Uses (Medium Scale) • Retail Uses (Large Scale) 	Industrial Uses (cont.): <ul style="list-style-type: none"> • Light Industrial Assembly & Distribution • Light Industrial Processing & Distribution • Research & Development Facility • Truck Freight Terminal • Warehouse & Distribution Facility
Water and Sewer Service:	Required	Required
Lot and/or Density Requirements:	Minimum Lot Area: 10,000 sq. ft. Maximum Lot Area: 10 Acres Minimum Lot Width: 50 feet Minimum Lot Frontage: 50 feet Maximum Lot Coverage: 65%	Minimum Lot Area: 1 Acre Minimum Lot Width: 100 feet Minimum Lot Frontage: 50 feet Maximum Lot Coverage: 75%

Zoning District Summary (Existing / Proposed):		
	Existing Zoning: CC – Commercial: Community Center	Proposed Zoning: I-3 – Industrial: Heavy
Zoning District Intent:	<p>The CC zoning district is intended to establish appropriate locations for a variety of businesses providing a variety of goods and services to (1) community-wide consumers and (2) those who travel through or visit the area. This zoning district is not intended for use along traffic corridors, but should instead be applied at significant intersections along major transportation routes. This zoning district should be applied only to areas with adequate infrastructure and road access to accommodate moderately high traffic volumes.</p>	<p>The I-3 zoning district is intended to provide locations for industrial manufacturing, production, assembly, warehousing, research & development facilities, and similar land uses. This district is intended to accommodate a variety of high intensity industrial uses in locations that minimize land use conflicts and provide the necessary supporting infrastructure.</p>
Permitted Uses:	<p>Communications / Utilities Uses:</p> <ul style="list-style-type: none"> • Communication Service Exchange • Utility Substation • Water Tower <p>Public / Semi-Public Uses:</p> <ul style="list-style-type: none"> • Clinic • Community Center • Day-Care Center (Adult or Child) • Funeral Home • Government Office • Police, Fire or Rescue Station • Post Office • Trade or Business School • Worship Facility <p>Park Uses:</p> <ul style="list-style-type: none"> • Nature Preserve / Conservation Area • Park / Playground <p>Commercial Uses:</p> <ul style="list-style-type: none"> • Auto-Oriented Uses (Small Scale) • Auto-Oriented Uses (Medium Scale) • Auto-Oriented Uses (Large Scale) 	<p>Agriculture Uses:</p> <ul style="list-style-type: none"> • Farm (General) <p>Communications / Utilities Uses:</p> <ul style="list-style-type: none"> • Communication Service Exchange • Sewage Treatment Plant • Utility Substation • Water Tower <p>Public / Semi-Public Uses:</p> <ul style="list-style-type: none"> • Parking Lot / Garage (as a primary use) • Police, Fire , or Rescue Station <p>Park Uses:</p> <ul style="list-style-type: none"> • Nature Preserve / Conservation Area <p>Commercial Uses:</p> <ul style="list-style-type: none"> • Conference Center <p>Industrial Uses:</p> <ul style="list-style-type: none"> • Agriculture Products Processing • Agri-Industrial Facility • Concrete / Asphalt Production Facility • Contractor's Office / Workshop • Dry Cleaners (Commercial) • Food & Beverage Production • General Industrial Production

<p>Setbacks Required:</p> <p>Front setbacks are determined by the Thoroughfare Plan Classification of the adjacent street and are the same regardless of zoning.</p>	<p>Side Yard Setback: Primary Structure: 10 feet Accessory Structure: 10 feet</p> <p>Rear Yard Setback: Primary Structure: 10 feet Accessory Structure: 10 feet</p> <p>Front Yard Setback: Arterial Road: 50 feet Arterial Street: 10 feet* Collector Road: 35 feet Collector Street: 10 feet* Local Road: 25 feet Local Street: 10 feet*</p> <p>*25 feet for any auto service bay, auto fuel pump canopy, or other similar vehicle access points to structures.</p>	<p>Side Yard Setback: Primary Structure: 20 feet Accessory Structure: 20 feet</p> <p>Rear Yard Setback: Primary Structure: 20 feet Accessory Structure: 20 feet</p> <p>Front Yard Setback: Arterial Road: 50 feet Arterial Street: 50 feet Collector Road: 35 feet Collector Street: 35 feet Local Road: 25 feet Local Street: 25 feet</p>
<p>Height Restrictions:</p>	<p>Primary Structure: 40 feet</p> <p>Accessory Structure: 25 feet</p>	<p>Primary Structure: 60 feet</p> <p>Accessory Structure: 40 feet</p>
<p>Floor Area Requirements:</p>	<p>Not Applicable</p>	<p>Not Applicable</p>
<p>Signs:</p>	<p>Wall Signs: 3 wall signs per public street frontage with a maximum square footage of 15% of the front walls or 350 square feet, whichever is less.</p> <p>Freestanding Signs: 1 freestanding sign per public street frontage with a maximum size of 100 square feet and a maximum height of 20 feet.</p>	<p>Wall Signs: 2 wall signs per public street frontage with a maximum square footage of 15% of the front walls or 350 square feet, whichever is less.</p> <p>Freestanding Signs: 1 freestanding sign per public street frontage with a maximum size of 75 square feet and a maximum height of 10 feet.</p>

Interdepartmental Review:	
City Engineering:	<p>The site is located at 7440 S. International Drive, the southwest corner of SR 58 and International Drive; and is Lot 7B in Woodside South Subdivision. SR 58 is an arterial street and International Drive is a local street. Existing access to the site does comply with the current zoning ordinance.</p> <p>The current use on the site appears to be industrial in nature. Actual traffic generating potential for uses in the CC and I-3 districts can vary widely, depending on the size and intensity of the use. A large CC use, retail and auto oriented businesses, can potentially generate large numbers of trips per day to and from the site. A small I-3 use, similar to the current use on the site, typically generates a lower number of trips per day.</p> <p>The proposed zoning change will not significantly impact access to this site or traffic volume on adjacent streets.</p>
Fire Department	No issues with the rezoning.
City Utilities	No comments received.
Parks Department	No comments received.
MPO	<p>I have no issues with the rezoning of this area to industrial.</p> <p>There have been requests that this industrial area be served by transit, and we will be considering that in our future study. For transit efficiency, a stop in a central location works best with riders dispersing on foot. However, the area's infrastructure is not very accommodating for pedestrians. Providing sidewalks and/or connector paths would be helpful. Business expansion can trigger sidewalk construction via ordinance or agreement.</p> <p>A successful pedestrian network would encourage transit success, reduce parking needs, provide employee travel options, among other community benefits.</p>

History of this Location:

The relevant history of this property includes the following:

1. In 2000, the property was developed for an industrial manufacturing facility for TST products (C/ZC-11-00-02). The new construction included a 12,500 square foot building with a new parking lot, outdoor storage area, and landscaping.
2. Prior to 2008, the property was zoned B-5 which permitted a variety of commercial and industrial uses. When the 2008 Zoning Ordinance revisions occurred, the B-5 zoning district was replaced with the CC zoning district which did not permit any industrial uses.
3. In 2011, Nusun Solar, Inc., a solar panel manufacturer, relocated to the existing facility. Since the previous use at this location was general industrial production, no further approval was needed. Nusun Solar, Inc. was approved for a new wall sign (C/ZC-11-112-July). The approval included a commitment to replace required missing landscaping by June 30, 2012 and the removal of a trailer on existing parking spaces. The missing landscaping has not been replaced at this time.

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as Industrial.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

1. **GOAL E-2:** Promote the use of designated highway corridors as areas for commercial development.
2. **POLICY E-2-1:** Encourage development of highway corridors in a manner that is visually appealing.
3. **POLICY J-2-3:** Encourage industrial development to be integrated with its surroundings, providing smooth transitions between differing land uses.
4. **GOAL J-3:** Provide for continued industrial growth while protecting the agricultural sector of the economy by retaining expanses of productive agricultural land.
5. **POLICY J-3-1:** Limit the growth of industrial activity to the areas suited for this use, minimizing the impact of this type of development on agricultural businesses.
6. **POLICY J-3-2:** Promote infill development in existing industrial areas.
7. **GOAL J-4:** Promote continued economic development in the Woodside / Walesboro area to provide jobs which will improve the standard of living and provide upward mobility for local residents.
8. **POLICY J-4-1:** Encourage new industrial development to be similar to that experienced in the Woodside / Walesboro area in the past.
9. **POLICY J-4-2:** Encourage the growth in the Woodside / Walesboro area to take place in an orderly manner. Where possible, this growth should be contiguous or in close proximity to the existing development in order to facilitate provision of infrastructure and services.
10. **POLICY J-8-2:** Encourage economic growth to take place in areas where appropriate infrastructure and services are available or can be provided at a reasonable cost.
11. **POLICY J-9-2:** Encourage similar uses to locate in clusters, to facilitate provision of appropriate infrastructure and services.
12. **POLICY J-10-3:** Promote the growth of local companies.

This property is located in the Woodside / Walesboro character area. The following Planning Principle(s) apply to this application: New nonresidential development should be in industrial parks or commercial centers to complement the existing development.

Planning Consideration(s):

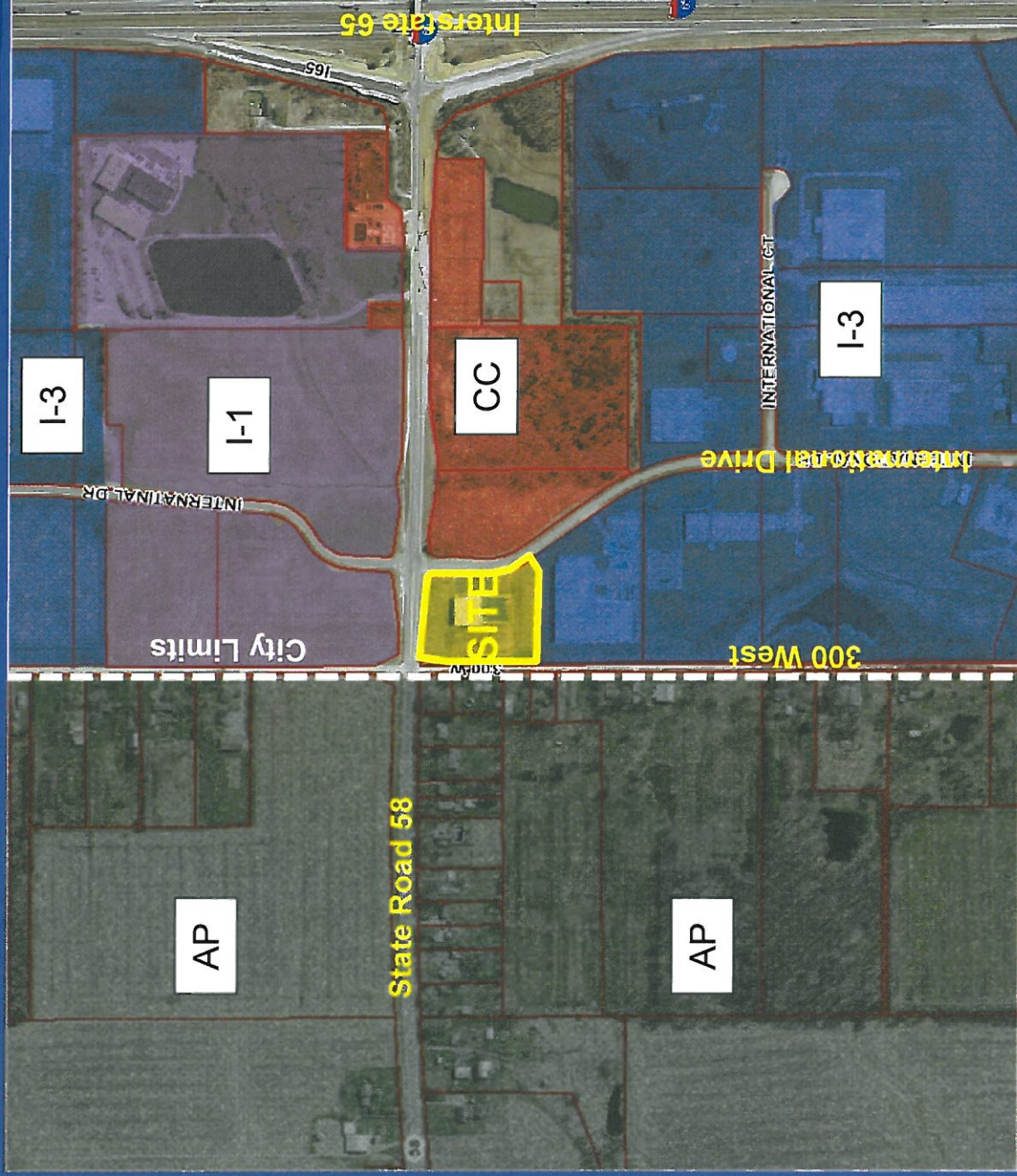
The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. Nusun Solar, Inc. is proposing to rezone the property at 7440 South International Drive in the City of Columbus. The rezoning from the current CC zoning district to the I-3 zoning district is driven by the desire to expand their industrial use. The property was developed in 2000 for TST Products, an industrial manufacturing business, under the B-5 (Highway Business) zoning district. The B-5 zoning district allowed a variety of commercial and industrial uses. In 2008, when the new Zoning Ordinance revisions were adopted, the B-5 zoning district was replaced with the CC zoning district which did not permit any industrial uses. In 2010, Nusun Solar, Inc., a general industrial production use, moved to the subject property as a grandfathered industrial use.
2. The subject property currently features a 12,500 square foot industrial facility with a parking lot, and an outdoor storage area / loading zone. The applicant is intending to add a new 4,608 square foot building in addition to the existing building on-site. The proposed structure would provide necessary space for this industrial business. No Zoning Compliance Certificate for the approval of the expansion has been received at this time.
3. The subject property is located in the Woodside / Walesboro industrial area which is located around the interchange of SR 58 and Interstate 65 (I-65). The subject property is located at the intersection of International Drive and State Road 58 (SR 58) at the entrance to the Woodside South Industrial Park (Southwest quarter of the interchange). In the Woodside South Industrial Park area, majority of the property is zoned I-3.
4. There are single-family homes west of the subject property across from County Road 300 West which are zoned AP and according to Zoning Ordinance Section 8.2 (Table 8.3), no buffer is required as a result of the separation of the properties by a road and the zoning of the residential properties. The residential properties lie just outside of the city limits for the City of Columbus, but if the residential

properties were zoned residential and there was no road separating the properties, a Type A buffer yard would be required if the subject property were zoned commercial or industrial. Currently, other industrial properties to the south do not provide any official buffer, however there are some wooded areas which create a separation between the industrial and residential uses.

5. In 1989 (RZ-89-11), the City of Columbus Plan Commission approved of the rezoning of the Woodside South Industrial Park from AG (Agricultural District) to I-3 (Heavy Industrial District). The rezoning was approved with no additional buffer conditions, however the Zoning Ordinance in 1989, required a transitional landscaping buffer and setback area of 15 feet along all front property lines. In 2007, the City of Columbus Plan Commission approved of the rezoning of the Woodside Northwest Industrial Park from AG (Agricultural District) to I-3 (Heavy Industrial District). The rezoning was approved with the condition that a Type A buffer yard be provided on industrial properties along the County Road 300 West frontage.
6. All properties along SR 58 in the southwest quarter of the SR 58 / I-65 interchange are in the CC zoning district. All the properties with the exception of the subject property are all undeveloped. The properties which are zoned commercial along SR 58 were zoned commercial so that the development along this corridor would be complementary highway businesses such as gas stations or retail because of access to the SR 58 corridor and visibility along this thoroughfare. The commercial properties also provide an opportunity for complementary services for the industrial uses and employment centers in the area including services such as restaurants, dry cleaners, etc.

Site Location & Surrounding Zoning



ORDINANCE NO. _____, 2012

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA,
TO AMEND CHAPTER 2.50 OF THE COLUMBUS CITY CODE, BOARD OF PUBLIC WORKS AND SAFETY**

WHEREAS, Indiana Code 36-1-3 et. seq. confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government; and

WHEREAS, Indiana Code 36-4-6-18 authorizes the Common Council of the City of Columbus, Indiana to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit; and

WHEREAS, it is the desire of the Common Council to accurately reflect the current City administrative structure in the Columbus City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, AS FOLLOWS:

Section I. Chapter 2, Article 50 of the Columbus City Code, is hereby amended to read as follows:

**Chapter 2.50
BOARD OF PUBLIC WORKS AND SAFETY**

2.50.010 Established--Powers and duties--Composition.

There is established a board of public works and safety within the executive branch.

A. Such board shall be the chief administrative body of the city and shall have the power and responsibilities granted by applicable state law, including control of the day-to-day operations of the following executive departments, which are established:

1. Police department which shall include Animal control;
2. Fire department;
3. Engineering department which shall include Streets (traffic and highway); and
4. City Garage.

B. The members of the Board of Public Works and Safety shall be the Mayor and two voters of the city who shall be chosen by the Mayor in accordance with Indiana Code, 36-4-9-8, and who shall serve at the Mayor's pleasure.

C. The Mayor by delegation from the Board of Public Works and Safety shall have control of the day-to-day operations of the above departments. The Board of Public Works and Safety is delegated all authority for the approval of claims.

D. The chiefs of the police and fire departments and the head of the engineering and city garage departments shall be appointed by the Mayor and serve at the Mayor's pleasure pursuant to Indiana Code 36-4-9-4.

Section II. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section III. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, on this the _____ day of June, 2012, by a vote of _____ ayes and _____ nays.

Kristen Brown, Mayor
Presiding Officer of the Common Council

ATTEST:

Clerk of the Common Council of Columbus, Indiana
Luann Welmer

Presented by me to the Mayor of Columbus, Indiana, this _____ day of _____, 2012 at _____ o'clock _____.m.

Luann Welmer
Clerk-Treasurer

Approved and signed by me this _____ day of _____, 2012 at _____ o'clock _____.m.

Kristen Brown
Mayor of the City of Columbus, Indiana

BOARD OF PUBLIC WORKS AND SAFETY

2.50.010 Established--Powers and duties--Composition.

There is established a board of public works and safety within the executive branch.

A. Such board shall be the chief administrative body of the city and shall have the power and responsibilities granted by applicable state law, including control of the day-to-day operations of the following executive departments, which are established:

1. Police department which shall include Animal control;
2. Fire department;
3. Engineering department; which shall be composed as follows:
 - a. include Streets (traffic and highway); and sanitation;
 - b. Transit (bus);
 - c. Animal control
4. City Garage.

B. The members of the board~~Board~~ of public works~~Public Works~~ and safety~~Safety~~ shall be the mayer~~Mayor~~ and two voters of the city who shall be chosen by the mayer~~Mayor~~ in accordance with Indiana Code, 36-4-9-8, and who shall serve at his~~the Mayor's~~ pleasure.

C. The Mayor by delegation from the Board of Public Works and Safety shall have control of the day-to-day operations of the above departments. The Board of Public Works and Safety is delegated all authority for the approval of claims.

D. The chiefs of the police and fire departments and the head of the engineering ~~department and city garage departments~~ shall be appointed by the mayor and serve at his~~the Mayor's~~ pleasure. (Prior code § 2-33) pursuant to Indiana Code 36-4-9-4.

ORDINANCE NO. _____, 2012

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA,
TO AMEND CHAPTER 2.16 OF THE COLUMBUS CITY CODE, DEPARTMENT OF ADMINISTRATION**

WHEREAS, Indiana Code 36-1-3 et. seq. confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government; and

WHEREAS, Indiana Code 36-4-6-18 authorizes the Common Council of the City of Columbus, Indiana to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit; and

WHEREAS, it is the desire of the Common Council to accurately reflect the current City administrative structure in the Columbus City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, AS FOLLOWS:

Section I. Chapter 2, Article 16 of the Columbus City Code, is hereby amended to read as follows:

**Chapter 2.16
DEPARTMENT OF OPERATIONS AND FINANCE**

2.16.005 Director position established.

2.16.010 Department authority.

2.16.020 City services--Department responsibility.

2.16.005 Director's ~~positions~~ established.

The position of director of operations and finance is established and such duties and obligations shall be as designated by the mayor of the city as said mayor deems fit and proper.

2.16.010 Administration authority.

The department of operations and finance shall be administered by a director of operations and finance as appointed by and deemed to be fit and proper by the mayor of the city.

2.16.020 City services--Department responsibility.

A. The department of operations and finance shall be responsible for the following city services:

1. Personnel and purchasing departments;
2. Insurance and loss control departments;
3. Information services;
4. Maintenance of City Hall facilities and grounds;
5. Preparation of mayor's budget.

B. Any department head who provides the services outlined in subsection (A) of this section shall report to the director of operations and finance. The department of operations and finance shall provide job descriptions, a copy of which shall remain on file with the department of personnel for each of the positions within the department.

Section II. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section III. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, on this the _____ day of June, 2012, by a vote of _____ ayes and _____ nays.

Kristen Brown, Mayor
Presiding Officer of the Common Council

ATTEST:

Clerk of the Common Council of Columbus, Indiana
Luann Welmer

Presented by me to the Mayor of Columbus, Indiana, this _____ day of _____, 2012 at _____ o'clock _____.m.

Luann Welmer
Clerk-Treasurer

Approved and signed by me this _____ day of _____, 2012 at _____ o'clock _____.m.

Kristen Brown
Mayor of the City of Columbus, Indiana

Chapter 2.16

DEPARTMENT OF ~~ADMINISTRATION~~ OPERATIONS AND FINANCE

2.16.005 ~~Directors' positions~~ Director position established.

2.16.010 ~~Administration~~ Department authority.

2.16.020 City services--Department responsibility.

~~2.16.030 Director of police activities league.~~

2.16.005 ~~Directors'~~ Director's positions established.

The ~~positions~~ position of director of ~~public safety~~ operations and ~~the director of community development~~ finance is established and such duties and obligations ~~pertinent to said directors~~ shall be as designated by the mayor of the city as said mayor deems fit and proper.

2.16.010 Administration authority.

The department of ~~administration~~ operations and finance shall be administered by a director of ~~public safety and a director of community development~~ operations and finance as appointed by and deemed to be fit and proper by the mayor of the city.

2.16.020 City services--Department responsibility.

A. The department of ~~administration~~ operations and finance shall be responsible for the following city services:

~~1. Public services, including but not limited to sanitation, transportation, and other garage related facilities;~~

~~2~~1. Personnel and purchasing departments;

~~3~~2. Insurance and loss control departments;

~~4~~3. Information services;

~~5~~4. Maintenance of City Hall facilities and grounds;

~~6~~5. Preparation of mayor's budget.

B. Any department head who provides the services outlined in subsection (A) ~~(2)~~ of this section shall report to the ~~appropriate~~ director ~~as the case may be~~ of operations and ~~shall be accountable to said director.~~ finance. The department of ~~administration~~ operations and finance shall provide

job descriptions, a copy of which shall remain on file with the department of personnel for each of the positions within the department.

~~C. In the event that a department head is required for said services then said department head shall be appointed by and serve at the pleasure of the board of public works and safety.~~

~~2.16.030 Director of police activities league.~~

~~A. A special civilian position known as director of the police activities league (CYPAL) or its successor is created whose primary duties and responsibilities shall include, but not be limited to, the continued operation of activities which focus on the interaction of law enforcement and the youth of the city.~~

~~B. The position shall be under the supervision of the city of Columbus police department as designated by the chief of police.~~

~~C. The CYPAL director shall be appointed by the board of public works and shall serve at the pleasure of the board of public works.~~

ORDINANCE NO. _____, 2012

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA,
TO AMEND THE FOLLOWING CHAPTERS OF THE COLUMBUS CITY CODE:

CHAPTER 2.14, ANIMAL CONTROL MANAGER;
CHAPTER 2.54, ANIMAL CONTROL COMMISSION;
AND TITLE 6, ANIMALS

WHEREAS, Indiana Code 36-1-3 *et. seq.* confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government; and

WHEREAS, Indiana Code 36-4-6-18 authorizes the Common Council of the City of Columbus, Indiana to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit; and

WHEREAS, it is the desire of the City of Columbus Animal Control to amend the current City Animal Control Code to better reflect the responsibilities, services and actions of the Animal Control Department in their care of animals; and

WHEREAS, it is the desire of the Common Council to accurately reflect the work of Animal Control by amending the Columbus City Code to reflect within the substance of the written code, the care with which services are given to animals in the City of Columbus.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, AS FOLLOWS:

Section I. Chapter 2, Article 14 of the Columbus City Code, is hereby amended to read as follows:

Chapter 2.14
ANIMAL CARE SERVICES MANAGER

- | | |
|----------|---|
| 2.14.010 | Manager. |
| 2.14.020 | Duties, jurisdiction and powers. |
| 2.14.030 | Compensation. |
| 2.14.040 | Penalty for interference with Animal Care Services personnel. |

2.14.010 Manager.

The position of Animal Care Services Manager shall be employed by the City of Columbus, under the supervision of the chief of police with the advice of the Animal Care Services Commission. The Animal Care Services Manager shall be authorized to employ staff and any other persons as may be necessary to carry out the purposes of this chapter with the advice and consent of the chief of police.

(Ord. 08-17, § 1(part), 2008; Ord. 91-6, 1991; prior code § 4-6)

2.14.020 Duties, jurisdiction and powers.

The Animal Care Services Manager and staff shall be sworn to uphold, carry out and supervise the enforcement of this chapter within the city, unless otherwise provided. The Animal Care Services Manager and staff shall be vested with all the powers ordinary and necessary under the law to enforce the provisions of this chapter. These duties and powers shall specifically include, but not be limited to the following:

- A. To educate the public concerning humane ethics, consequences of pet overpopulation and their responsibilities as pet owners;
- B. To maintain the physical facility known as the Columbus Animal Care Services Center which shall be operated in a humane manner in accordance with the standards set forth in this chapter and established rules and regulations;
- C. To make an annual report to the common council concerning the animal care services program within the city;
- D. To prepare and submit to the common council for approval an annual budget of funds adequate to carry out the purposes of this chapter;
- E. The power to apprehend and impound any animal that appears to be stray or at large;
- F. The power to apprehend and impound any animal that is on the owner's property without being under the owner's personal physical restraint or posing an immediate physical danger to the community. Such impoundment must be preceded by written certification by a citizen witness, or by an officer of Animal Care Services or by the police department. However, no animal shall be apprehended and impounded if the owner is available and is restraining the animal.
- G. The power to apprehend and impound any animal when the Animal Care Services Manager or staff have probable cause to believe that the animal has been treated cruelly, inhumanely, neglected or used by the owner/agent in a fighting contest;
- H. The power to issue official warning or a notice of ordinance violation for violations of this chapter;
- I. The power to enter private real property in pursuit of an animal to enforce this chapter. In performing their duties, the Animal Care Services Manager and staff shall be specifically prohibited from the following: entering an inhabited or locked dwelling unit without the dwelling unit owner's permission or without a warrant authorizing the entry except when apprehending and impounding an animal pursuant to subsection G of this section; carrying firearms or making arrests of human beings.

(Ord. 08-17, § 1(part), 2008; Prior code § 4-7)

2.14.030 Compensation.

The salaries and wages of the Animal Care Services Manager and staff shall be fixed by the mayor and approved by the common council.

(Ord. 08-17, § 1(part), 2008; Prior code §4-9)

2.14.040 Penalty for interference with animal care services personnel.

Whoever forcibly assaults, resists, opposes, obstructs, prevents, impedes or interferes with any Animal Care Services personnel while that person is engaged in the execution of any duties required of Animal Care Services under this chapter, shall be subject to a fine of one hundred dollars (\$100.00) for the first offense, with the fines increasing by increments of one hundred dollars (\$100.00) for each subsequent offense within one year of the first offense, but not more than one thousand dollars (\$1,000.00).

(Ord. 08-17, § 1(part), 2008; Prior code § 4-8)

Section II. Chapter 2, Article 54 of the Columbus City Code, is hereby amended to read as follows:

Chapter 2.54 ANIMAL CARE SERVICES COMMISSION

- | | |
|----------|-------------------------------|
| 2.54.010 | Established--Duties. |
| 2.54.020 | Membership. |
| 2.54.030 | Terms and removal of members. |
| 2.54.040 | Meetings. |

2.54.010 Established--Duties.

An Animal Care Services Commission is established which shall have the following powers, duties, authority and responsibilities:

- A. Shall report to or be responsible to the board of public works and safety;
- B. To formulate policies, principles, standards and regulations for the care, control and humane treatment of all animals in the city;
- C. To supervise the enforcement of the terms of this chapter and to make recommendations to the common council as to ordinances necessary for the care and treatment of all animals in the city;

D. To review the decisions and actions of Animal Care Services and staff in any matter related to the enforcement of this chapter. Upon the written request for a hearing concerning the enforcement of this chapter, the Commission shall meet timely to hear the complaint. All complaints must be filed in writing.

E. The power to declare animals dangerous.

(Ord. 08-17, § 1(part), 2008; Prior code § 4-2)

2.54.020 Membership.

The Animal Care Services Commission shall be composed of six members who shall be appointed by the mayor.

- A. One shall be a licensed veterinarian.
- B. One shall be selected from a member of the common council.
- C. Two shall be selected from a chartered animal care or control organization.
- D. Two shall be selected from the citizens of Columbus.

(Ord. 08-17, § 1(part), 2008; Prior code § 4-3)

2.54.030 Terms and removal of members.

A. The members of the Commission shall serve at the discretion of the mayor and each member shall serve until a qualified successor is duly appointed. All appointments shall be made for a four-year term.

B. Terms are to be staggered such that no more than two members are to be replaced at one year with the exception of the members selected from the common council whose term shall be concurrent with his/her elected term.

(Ord. 08-17, § 1(part), 2008; Prior code § 4-4)

2.54.040 Meetings.

The Commission shall hold an annual meeting during the month of September of each year and at such meeting shall elect its own chairperson who shall hold office until the next annual meeting. Meetings of the Commission shall be held bimonthly. A quorum shall consist of three members of the Commission present at the meeting. Special meetings may be called by the mayor, the chairperson or by any three members of the Commission or by the Animal Care Services Manager requesting such meeting in writing to the chairperson. Upon receipt of such a request, the chairperson shall call such a special meeting to be held within ten days.

(Ord. 08-17, § 1(part), 2008; Prior code § 4-5)

Section III. Title 6 - Animals, Chapter 6, Article 04 of the Columbus City Code, is hereby amended to read as follows:

Chapter 6.04
DEFINITIONS

6.04.010 Definitions.

6.04.010 Definitions.

As used in this title, the following terms mean, unless otherwise designated:

“Abandonment” means to deposit, leave, drop off or otherwise dispose of any live domestic animal on any public or private property.

“Agent” means person(s) eighteen years or older authorized by an owner to act on the owner's behalf.

“Altered” means any animal that has had an ovariohysterectomy (spayed) or orchiectomy (neutered) by a licensed veterinarian or has been certified by a licensed veterinarian that the animal is incapable of producing offspring.

“Animal” means any live nonhuman vertebrate creature, domestic or wild.

“Animal Care Services Center” means the facility operated by the City of Columbus or its authorized agents for the purpose of impounding or caring for animals held under the authority of this title or state law.

“Animal Care Services” means the City of Columbus Animal Care Services Department.

“Animal fighting contest” means a conflict between two or more animals. The term does not include a conflict that is unorganized or accidental.

“Animal fighting paraphernalia” means equipment used to train or condition animals for participation in an animal fighting contest or used to stage an animal fighting contest.

“Animal shelter” means any facility operated by a humane society or other municipal agency, or its authorized agents, for the purpose of impounding or caring for animals held under their jurisdiction or state law.

“At large” means any animal that is not under restraint or properly confined by the owner.

“Auctions” means any place or facility where animals are regularly bought, sold, or traded, except those facilities otherwise defined in this title.

“Confinement” means the physical securing of an animal by leash, lead or secure enclosure.

“Commercial animal establishment” means any auction, circus, performing animal exhibition, pet shop, rescue group, riding school, stable, or zoological park.

“Dangerous animal” means any animal that by its behavior or training constitutes an immediate or serious physical threat to human beings or other domestic animals. Factors to be considered by the Animal Care Services Commission shall include the following:

1. Circumstances that resulted in any injury or death to persons or animals, or serious destruction of property.
2. Whether the animal was acting to defend itself, its offspring, persons, territory or property or was in some fashion provoked.
3. The number, frequency and seriousness of past events causing damage to persons, property or other animals.
4. The ability of the owner to control the animal, whether the animal has been previously abused and whether the animal's behavior appears to be unpredictable.
5. The potential for future damage by the animal due to the size, muscularity and bite strength of the animal.
6. Lesser weight shall be given toward a finding of dangerousness if any animals killed or injured are traditionally animals hunted for sport or are considered vermin.
7. Greater weight toward a finding of dangerousness shall be given to animals which are dangerous to persons as opposed to other animals.

“Domestic animal” means any animal that is a member of one of the following species:

Dog (*Canis Familiaris*)

Cat (*felis cattus* or *Felis domesticus*)

Cattle (*Bos domesticus* or *Bos taurus* or *Bos indicus*)

Horse (*Equus coballus*)

Donkey (*Equus asinus*)

Pig (*Sus scrofa*)

Sheep (*Ovis aires*)

Goat (*Capra hicus*)

Rabbit (*Oryctolagus cuniculus*)
Mouse (*Mus musculus*)
Rat (*Rattus rattus*)
Guinea pig (*Cavia procavia*)
Chinchilla (*Chinchilla laniger*)
Hamster (*Mesocricetus auratus*)
Gerbil (*Gerbillus gerbillus*)
Mink (*Mustela vison*)
Ferret (*Mustela putorius furo*)
Chicken
Turkey
Goose
Duck
Small cage birds

“Exposed to rabies” means any human or nonhuman warm-blooded mammal that has been bitten or in contact with any other animal known or reasonably suspected to have been infected with rabies.

“Habitual offender” means any person, as determined by a court, having competent jurisdiction, who violates animal care, neglect, welfare, cruel treatment, restraint, confinement, dangerous or dangerous animal sections of the Columbus Municipal code or related offenses in other jurisdictions on at least three separate occasions, including, but not limited to, criminal convictions or civil findings in any other municipal, county or state jurisdiction.

“Harboring” means the actions of any person that permit any animal habitually to remain or lodge or to be fed within his home, store, enclosure, yard or place of business or any premises on which such person resides or controls. An animal shall be presumed harbored if it is fed or sheltered for three consecutive days.

“Hunting” means the activity of pursuing animals, as defined by the code of the city while armed with a weapon; provided, however, hunting shall not include the sport of falconry, frog gigging or the sport of fishing.

"Keepers" means veterinarians and operators of kennels, pet shops, boarding kennels, and stables temporarily keeping animals owned by or held for sale to other persons. "Kennel" means as defined by the city zoning ordinance.

"Kennel operator" means a person who owns and/or operates a kennel.

"Owner" means any person age eighteen years or older owning or harboring one or more animals.

"Person" means any individual, firm, association, joint stock company, syndicate, partnership or corporation.

"Pet" means any domestic animal, other than cattle, horse, donkey, pig, sheep, goat, chinchilla or mink, kept for pleasure rather than for utility.

"Pet shop" means any business enterprise except a kennel that buys and sells any species of animal.

"Public nuisance" means any animal or animals that:

1. Chase, charge, impede or threaten passersby or passing vehicles;
2. Attack humans or other animals;
3. Damage public or private property;
4. Bark, whine or howl in an excessive, untimely or continuous fashion for more than a twenty-minute period of time which annoys or disturbs persons of normal sensitivities.

"Rescue group" means any animal rescue group granted IRC 501(c)(3) not-for-profit tax status whose purpose is to promote animal welfare through community awareness, responsible pet adoptions, and spaying and neutering of pets.

"Research laboratory" means any animal research facility registered with the United States Department of Agriculture under the Federal Laboratory Animal Welfare Act.

"Restraint" means under direct control of the owner or limited or restricted within the bounds of the real property of the animal's owner or agent.

"Riding school or stable" means any place that has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule or burrow.

"Secure enclosure" means a physical structure, enclosed building, fence, or pen that is of adequate size and in good repair, where any gate or access is securely latched or bolted, that prevents escape or unrestricted contact with humans or other domestic animals. It does not include underground fencing, electronically controlled collars, tethers, leashes or chains, unless they are incorporated with the approved enclosure.

“Stray” means any animal that is not under restraint and/or upon reasonable inquiry does not appear to have an owner.

“Trapping” means to use any device that springs shut suddenly, a pitfall, a snare or other similar device for the purpose of catching and holding animals.

“Unaltered” means any animal that has not had an ovariohysterectomy (not spayed) or orchiectomy (not neutered) by a licensed veterinarian or has not been certified by a licensed veterinarian that the animal is incapable of producing offspring.

“Veterinarian” means any person licensed to practice veterinary medicine in the state of Indiana.

“Weapon” means, but shall not be limited to mean, any firearm, any archery equipment, any device used to discharge a projectile either by means of explosion, by force or mechanical means, any sling shot or slings or any device that can hurl a projectile or can be hurled or thrown.

“Wild animals (Class I)” means any of the following: fish, nonpoisonous snake, nonpoisonous reptile, nonpoisonous amphibian, degu, sugar glider, hedgehog, and/or birds not normally kept as cage birds.

“Wild animals (Class 2)” means any animal or hybrid of any animal that is not a domestic animal or wild animal (Class 1), as defined in this chapter, or any mammal the United States government or the state of Indiana may list or publish as endangered species, or poisonous snake, poisonous reptile or poisonous amphibian.

(Ord. 08-17 § 1 (part), 2008; Ord. 98-34 § 1, 1998; prior code § 4-1)

Section IV. Title 6 - Animals, Chapter 6, Article 07 of the Columbus City Code, is hereby amended to read as follows:

Chapter 6.07 FINES, FEES AND PENALTIES

Sections:

6.07.010	Disposition of fines, fees and penalties.
6.07.020	Payment of violations.
6.07.025	Violations prior to enactment of new or revised ordinances.
6.07.030	Habitual offenders.
6.07.040	Violations-Penalties.

6.07.010 Disposition of fines, fees and penalties.

All fines, fees, and penalties collected will be deposited into the Animal Care Services Adoption / Medical Fund. Monies from this fund will be used as directed by the Animal Care Services Commission for purposes of providing medical care, spay and neutering assistance, preventive health care, or for other services the Animal Care Services Commission deems appropriate and compatible with its policies.

(Ord. 08-17 § 1 (part), 2008)

6.07.020 Payment of violations.

Payment of violation notices shall be made at the Animal Care Services Center or at the office of the Columbus city clerk-treasurer within seventy-two hours from date of issuance.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-53)

6.07.025 Violations prior to enactment of new or revised ordinances.

For purposes of determining fines, fees, and penalties for any subsequent violations, violations prior to the enactment of new or revised ordinances shall apply.

(Ord. 08-17 § 1 (part), 2008)

6.07.030 Habitual offenders.

A Court of competent jurisdiction may declare a person a habitual offender and that person or owner shall not own, keep or harbor any animal within the city limits of Columbus, Indiana.

(Ord. 08-17 § 1 (part), 2008)

6.07.040 Violations-Penalties.

Any person or owner found to be a habitual offender is subject to having their animal(s) immediately confiscated by Animal Care Services and subject to a fine of two hundred and fifty dollars for each offense. The Court of jurisdiction will be notified of this violation.

(Ord. 08-17 § 1 (part), 2008)

Section V. Title 6 - Animals, Chapter 6, Article 08 of the Columbus City Code, is hereby amended to read as follows:

Chapter 6.08
ANIMAL CONTROL REGULATIONS GENERALLY

6.08.010	Restraint Required.
6.08.015	Zones of enforcement on city-owned property.
6.08.020	Unaltered animals not properly confined or restrained.
6.08.030	Dangerous animals.
6.08.040	Confinement and restraint violations--Penalties.
6.08.050	Period of impoundment.
6.08.060	Jurisdiction of Animal Care Services for impoundment.
6.08.070	Notice of impoundment and reclaiming fees.
6.08.080	Notice of ordinance violation.
6.08.090	Public nuisance prohibited--Violations and penalties.
6.08.100	General animal care.
6.08.110	Cruel treatment unlawful.
6.08.120	Animals as prizes.
6.08.130	Poisoning.
6.08.140	Motor vehicle accidents involving animals.
6.08.150	Animals in motor vehicles or kept in confined spaces.
6.08.160	Use of device to induce performance.
6.08.170	Abandonment.
6.08.180	Animal fighting contests.
6.08.185	Animal care violations--Penalties.
6.08.190	Keeping wild animals (Class 1).
6.08.200	Wild animal care.
6.08.210	Wild animals--Inspection.
6.08.220	Wild animals prohibited when.
6.08.230	Wild animal violations--Penalties.
6.08.240	Animals biting persons.
6.08.245	Biting animals violation -- Reporting and quarantining -- Penalty.
6.08.250	Biting animals violation--Penalty.
6.08.270	Exception.

6.08.010 Restraint required.

- A. All animals shall be restrained.
- B. The Animal Care Services Manager and the staff shall have the authority to order animals be confined by the owner and/or agent for serious or repeated violations of subsection A of this section.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-17)

6.08.015 Zones of enforcement on city-owned property.

A. On all property owned by the city, the governing board or commission may establish by resolution of said body, zones in which an animal must be on leash, or prohibited entirely, during certain times as posted by signs in the zone.

B. Any resolution so passed, must be forwarded to the Animal Care Services Commission for review and action thereon. The Animal Care Services Commission shall direct Animal Care Services to take the appropriate action to enforce the zone requirements as soon as reasonably possible after receiving a resolution of a zone.

C. Any signage will be the responsibility of the governing board or commission in charge of the area designated in the zone. Any enforcement in the zone will be the responsibility of the Animal Care Services or its designees with the oversight of the Animal Care Services Commission.

(Ord. 08-17 § 1 (part), 2008; Ord. 95-11 § 1, 1995)

6.08.020 Unaltered animals not properly confined or restrained.

A. Every female animal in heat or rutting shall be restrained within a building or secure enclosure so that the animal cannot come into contact with a male animal of the same species except for planned breeding.

B. Any unaltered male or female dog or cat found to be at large is subject to additional fines and fees as described in Section 6.08.040.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-18)

6.08.030 Dangerous animals.

A. Every dangerous animal, as determined by the Animal Care Services Commission, shall be restrained by the owner within a building or secure enclosure, as recommended by the Animal Care Services Manager, and shall be physically confined and securely muzzled or caged whenever off the premises of the owner.

B. Every dangerous animal shall be spayed or neutered and micro-chipped at the owner's expense within thirty days from being declared dangerous.

C. Every owner of a dangerous animal must report the following within twenty-four hours; the dangerous animal dies; a change in owner's place of primary residence; a change in location where the dangerous animal is kept, boarded or otherwise held; that ownership has been transferred including name, address and telephone number of the new owner and location of the dangerous animal.

D. A list of any animals declared dangerous by the Animal Care Services Commission will be maintained by Animal Care Services and may be made available to the public, both upon request and on Animal Care Service's official website. That list may include, but not be limited to, the description of the animal and the known location of where the animal is kept.

E. In determining the dangerousness of an animal, the Animal Care Services Commission may require the owner to submit their animal for evaluation by Animal Care Services. Failure by the owner to submit their animal for such an evaluation will result in the animal being conclusively determined to be dangerous by the Animal Care Services Commission.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-19)

6.08.040 Confinement and restraint violations—Penalties.

Any person who violates Sections 6.08.010 through 6.08.030 shall be subject to a fine or action, as follows:

A. For any violation of Sections 6.08.010 a fine of twenty dollars for the first offense, with the fines increasing in increments of twenty dollars for each subsequent offense within one year of the first offense, but not more than one thousand dollars.

B. For any violation of Section 6.08.020 (A), a fine of fifty dollars for the first offense, with fines increasing in increments of fifty dollars for each subsequent offense within one year of the first offense, but not more than one thousand dollars.

C. For violations of Section 6.08.020 (B), a fine of one hundred dollars or voluntary spay or neuter of the animal within twenty-one days of the first violation, a fine of five hundred dollars or voluntary spay or neuter of the animal within twenty-one days of the second violation, with fines increasing in increments of five hundred dollars or voluntary spay or neuter of the animal within twenty-one days of the subsequent violations. If Animal Care Services confirms that the animal has been spayed or neutered within twenty-one days of the most recent violation, the owner will be reimbursed the fine for that violation. This section does not apply to dogs used in law enforcement, animals less than six months old, and animals a licensed veterinarian certifies are physically unable to undergo a spay or neuter operation.

D. For any violation of Section 6.08.030, a fine of five hundred dollars and confiscation of the dangerous animal from the owner by Animal Care Services or authorized agent. If a dangerous animal has been confiscated for violation(s) of Section 6.08.030, then the animal may be euthanized after seven-days-notice to an owner.

E. Any person or persons owning a dangerous animal and subject to the orders of Animal Care Services may appeal any such findings or orders by giving written notice of appeal to Animal Care Services within seven days of any such finding or order or within seven days in the event of notice that an animal will be euthanized. Animal Care Services shall forward the notice of appeal to the secretary of

the Animal Care Services Commission. Animal Care Services shall cease any action that is irreversible with regard to any animal pending appeal.

(Ord. 08-17 § 1 (part), 2008; Ord. 89-62 § 2, 1989: prior code § 4-20)

6.08.050 Period of impoundment.

Any animal that is found by Animal Care Services to be at large, stray, nuisance, inhumanely or cruelly treated, neglected or has bitten another animal or human being or is being kept in conditions which violate this chapter may be impounded at the Animal Care Services Center and there confined in a humane manner until released to the owner or agent, or the animal becomes property of Animal Care Services.

A. Any animal impounded for being at large, stray or nuisance must be held for a period of not less than seven days or until an owner is notified whichever is the lesser. At the end of that period if the animal is not returned to the owner, that animal becomes the property of Animal Care Services, which may dispose of that animal in any manner that it deems humane and compatible to its policies.

B. Any animal impounded for biting another animal or human being must be held in compliance with Sections 6.08.240 and 6.12.060.

C. Any animal deemed to be suffering with little or no chance for survival or by court order may be humanely euthanized before the holding period has expired.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-21)

6.08.060 Jurisdiction of Animal Care Services for impoundment.

The jurisdiction of Animal Care Services for purposes of enforcing this chapter shall include the limits of the city.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-22)

6.08.070 Notice of impoundment and reclaiming fees.

If any animal is impounded at the Animal Care Services Center it is the duty of Animal Care Services to notify the owner of that animal by written notice left at the owner's last known place of residence, or by notification in person, or by ordinary United States mail, or by advertising that in a newspaper of general circulation within Bartholomew County, within seventy-two hours from time of impoundment.

A. An owner/agent reclaiming an impounded animal shall pay a boarding fee of ten dollars per day for each day, or partial day, the animal was impounded in addition to any fines due for any

violations of this chapter or any expenses related to the care of the animal prior to the release of the animal to the owner/agent.

Payment of any fines, fees and judgments must be paid to Animal Care Services or appropriate authority prior to the release of the animal to the owner/agent. Failure of the owner/agent to pay the fine, fees or judgment within seventy-two hours of notification of impoundment, may result in the forfeiture of that animal to Animal Care Services.

B. Any owner turning their animal over to Animal Care Services for a bite case quarantine period shall pay the ten dollar per day boarding fee in addition to any expenses for vaccination and certification fees required prior to release.

(Ord. 08-17 § 1 (part), 2008; Ord. 98-34 § 2, 1998; prior code § 4-23)

6.08.080 Notice of ordinance violation.

In lieu of impounding an animal which is at large, stray, a nuisance, or is being kept in conditions which violate this chapter, Animal Care Services may issue to the known owner or agent of such animal a notice of ordinance violation as described in other sections of this title.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-24)

6.08.090 Public nuisance prohibited—Violations and penalties.

A. No owner shall fail to exercise due care and control of their animal(s) to prevent them from becoming a public nuisance.

B. Persons whose animals violate any of the provisions of this section, as they relate to barking or howling in an excessive, untimely or continuous fashion, or damaging public or private property, is subject to a fine of twenty dollars for the first offense, with the fines increasing by an increment of twenty dollars for each subsequent offense within one year of the first offense, but not more than one thousand dollars.

C. Persons whose animals violate the provision of this section as it relates to chasing, impeding or threatening passersby, passing vehicles, or other domestic animals, is subject to a fine of fifty dollars for the first offense, with the fines increasing by an increment of fifty dollars for each subsequent offense within one year of the first offense, but not more than one thousand dollars.

D. Persons whose animals violate provisions of this section, as they relate to attacking humans or other animals shall be subject to a fine of one hundred dollars for the first offense, with the fines increasing by an increment of one hundred dollars for each subsequent offense within one year of the first offense, but not more than one thousand dollars.

E. After any person shall have been found to be maintaining or continuing any such public nuisance by a court of competent jurisdiction, such authority may order the removal or abatement of the nuisance and may direct Animal Care Services or other city departments to carry into effect the judgment of the court.

(Ord. 08-17 § 1 (part), 2008; Ord. 89-62 § 1 (part), 1989: prior code § 4-25)

6.08.100 General animal care.

Every owner of an animal within the city shall see that their animal:

A. Is kept in a clean, sanitary and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement;

B. If chained or tied outside, shall have available at all times for that animal, a chain, leash or lead, not less than ten feet or two and one-half lengths of the animal, whichever is the greater. However, this chain, leash or lead cannot allow the animal to enter onto or into another person's property or onto or into the public right-of-way;

C. Has sufficient and wholesome food and water, proper for that species of animal;

D. Has a proper and adequate structure provided that will protect that animal from all elements of the weather and will allow that animal to stand, sit and lie down without restriction;

E. If ill, diseased or injured, receive care as necessary to prevent the transmittal of the disease to other animals or prolong the suffering of the injured animal;

F. Is not beaten, cruelly treated, overloaded, overworked or otherwise abused, or cause, instigate or permit any dog fight, cockfight, bullfight or other combat between animals or between animals and humans;

G. Is not physically altered in any manner by anyone other than a veterinarian with the exception of tattooing and grooming;

H. Is not chained or tethered on a regular or continuous manner, as determined by the Animal Control Commission.

I. Is not restrained by the neck with the use of a rope, wire, chain or other metal collar.

J. This section shall also apply to animals kept at the Animal Care Services Center or by anyone acting on behalf of Animal Care Services.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-26)

6.08.110 Cruel treatment unlawful.

No person shall beat, cruelly treat, overload, overwork or otherwise abuse any animal, or cause, instigate or permit any dog fight, cock fight, bull fight or other combat between animals, or between animals and humans. No person shall physically alter any animal, other than a licensed veterinarian with the exception of tattooing or grooming.

(Ord. 08-17 § 1 (part), 2008; Ord. 98-34 § 3, 1998: prior code § 4-27)

6.08.120 Animals as prizes.

A. It is unlawful for any person to give any live animal, fish, reptile or bird as a prize for, or as an inducement to enter any contract, game or other competition.

B. It is unlawful for any person to sell or offer for sale, raffle, offer or give as a prize, premium or advertising device, to display in any store, shop, carnival or other place any chick, ducklings or goslings younger than four weeks of age, in quantities of less than twelve to each individual person.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-28)

6.08.130 Poisoning.

It is unlawful for any person to throw or deposit any known poisonous substance in any of the streets, alleys, parks, commons, yards or other places, whether public or private, within the city, so that the same shall be likely to be consumed by any animal; provided that, it is not unlawful for a person to expose on his or her own property common rat or mouse poison, unmixed or mixed with vegetable substances.

(Ord. 08-17 § 1 (part), 2008; Ord. 98-34 § 4, 1998: prior code § 4-29)

6.08.140 Motor vehicle accidents involving animals.

Any person who as the operator of a motor vehicle, strikes any animal, shall at once report the accident to the appropriate law enforcement agency or to Animal Care Services.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-30)

6.08.150 Animals in motor vehicles or kept in confined spaces.

It shall be unlawful for any person to place or confine or allow any animal to be confined in such a manner that it must remain in a motor vehicle or confined space under such conditions for such periods of time as may cause suffering or endanger the health or well-being of the animal due to extreme temperatures or lack of food and water.

(Ord. 08-17 § 1 (part), 2008; prior code § 4-31)

6.08.160 Use of device to induce performance.

No animal shall be induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner likely to cause physical injury or suffering.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-32)

6.08.170 Abandonment.

It is unlawful for any person to abandon any animal.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-33)

6.08.180 Animal fighting contests.

It is unlawful for any person to:

- A. Knowingly or intentionally purchase or possess an animal for the purpose of using the animal in an animal fighting contest,
- B. Knowingly or intentionally possess animal fighting paraphernalia with the intent to commit a violation, or
- C. Promote or stage an animal fighting contest or attend an animal fighting contest.

(Ord. 08-17 § 1 (part), 2008)

6.08.185 Animal care violations--Penalties.

A. Persons who violate any of the provisions of Sections 6.08.100 through 6.08.170 shall be subject to a fine of one hundred dollars for the first offense, with the fines increasing by an increment of one hundred dollars for each subsequent offense within one year of the first offense, but not more than one thousand dollars.

B. If in the event Animal Care Services reasonably believe that any animal is being beaten, cruelly treated, overloaded, overworked or otherwise being abused, then Animal Care Services shall have the authority:

1. To take possession of such animal and impound same for safekeeping. To take possession of any related animal fighting paraphernalia and kept as evidence until disposition of those items has been determined by the Animal Care Services Commission or court having jurisdiction.

2. If any animal is impounded at the Animal Care Services Center pursuant to this section, it shall be the duty of Animal Care Services to notify the owner of the animal pursuant to Section 6.08.070 of this title.

3. If, after notification as set forth herein, the owner/agent believes the animal has been impounded without cause, the owner/agent shall request, within ten days of being notified of the impoundment pursuant to division B. of this section, a hearing before the Animal Care Services Commission. During such hearing, the owner/agent shall present its case and the Animal Care Services Commission will then render its decision within seven days of the hearing date. If, in the event the Animal Care Services Commission renders a decision that the animal has been impounded with justification, the Animal Care Services Commission may take all reasonable and necessary procedures to dispose of the animal in any manner that it deems humane and compatible to its policies.

C. Persons who violate any of the provisions of Section 6.08.180 shall be subject to a fine of five hundred dollars for the first offense, with the fines increasing by an increment of five hundred dollars for each subsequent offense within one year of the first offense, but not more than one thousand dollars.

(Ord. 08-17 § 1 (part), 2008; Ord. 98-34 §5, 1998: prior code § 4-34)

6.08.190 Keeping wild animals (Class 1).

Any person who keeps, owns, harbors, boards, sells or lets for hire any wild animal (Class I), as defined in Section 6.04.010, must obtain the appropriate permit(s) from the state of Indiana and report to the Animal Care Services the acquisition of such a wild animal (Class 1) and the acquisition or application for a permit required by the state of Indiana.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-35)

6.08.200 Wild animal care.

Both wild animals (Class 1) and wild animals (Class 2) must be kept in conditions that do not violate any United States, Indiana, or city of Columbus law or ordinance provisions.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-36)

6.08.210 Wild animals—Inspection.

Any person who keeps, harbors, owns, sells, boards or lets for hire any wild animal (Class 1) and/or wild animal (Class 2) is subject to inspections by the state of Indiana or Animal Care Services at any time.

(Ord. 08-17 § 1 (part), 2008; Prior code §4-37)

6.08.220 Wild animals prohibited when.

A. All wild animals (Class 2), as defined in Section 6.04.010, are forbidden to be kept, owned, harbored, boarded, sold or let for hire within the city, except as provided by division B. of this section.

B. The city board of public works and safety may grant a temporary variance to subsection A to those, owners, commercial animal establishments or sponsors who make formal written requests for an exhibition of wild animals (Class 2) to be held within the city limits.

A written formal request must be presented to Animal Care Services, not less than fourteen days prior to the starting date of the exhibition. The request must include but is not limited to: the legal name, address, telephone number; the type and number of wild animals (Class 2) in the exhibit; the time, date(s) and location of the exhibit. Upon receipt of the request for the variance, Animal Care Services will make initial investigation as to the information contained on the request and verify any permit(s) or license(s) required. The Animal Care Services Manager will then present the variance request with any recommendation to the City Board of Public Works and Safety ("the Board") for the city at its next regularly scheduled meeting for its decision and action upon the request. The applicant is entitled to be notified of said meeting and to be present to present evidence on its behalf. Upon the decision of the Board, the Animal Care Services Manager will notify the applicant and/or sponsor of the Board's decision. The Board and/or the city attorney's office reserve the right to attach any additional requirements to the exhibit deemed reasonable and to void any variance found in violation of this chapter or harmful to the public.

C. The Board may issue a general variance for up to one year for this section to those individuals or firms that have shown they have: received prior approval by the Board for a similar variance and that an approved program was conducted without incident; the type of animal requests do not vary significantly from the original request; and complied with and adhered to any and all applicable laws and regulations and requests of Animal Care Services.

D. The city and its agents may not be held liable for any damages caused by such exhibit permitted hereunder.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-38)

6.08.230 Wild animal violations—Penalties.

A. Any person who violates any or all of Sections 6.08.190, 6.08.200 and/or 6.08.210, or otherwise violates any provisions of this chapter, is subject to a fine of fifty dollars (\$50.00) for the first offense, with fines increasing in increments of fifty dollars for each subsequent offense within one year of the first offense, but not more than one thousand dollars, and is subject to having said wild animal(s) confiscated by the state of Indiana and/or Animal Care Services.

B. Any person who is found in violation of Section 6.08.220, may be subject to a fine of one hundred dollars for the first offense with fines increasing in increments of one hundred dollars for each

subsequent offense within one year of the first offense, but not more than one thousand dollars. This fine may be assessed against the sponsor of such an exhibit, should the owner or commercial animal establishment not reside within the state of Indiana.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-39)

6.08.240 Animals biting persons.

A. Every person who knows, learns or suspects that a warm-blooded animal has bitten, scratched or caused an abrasion of the skin of any human being, within the city, shall immediately report that fact to the Bartholomew County Health Department and/or Animal Care Services. All reports must be submitted on a form approved by the Bartholomew County Health Department entitled, "Animal Bite Report." Upon receipt of the animal bite report, Animal Care Services shall contact the owner of the animal, if known, and advise them of the quarantine requirements. Animal Care Services shall contact the victim and notify them of their responsibilities. Animal Care Services has the right to check and make inquiry at any time during the quarantine period to verify that the animal is being quarantined in a manner that does not violate the quarantine requirements: Animal Control shall have the power to apprehend and impound an animal found in violation of quarantine requirements.

B. Any warm-blooded animal which has bitten, scratched, caused an abrasion of the skin or which is known or suspected of being rabid, shall be confined for a period of not less than ten days from the date of the incident. This animal shall be quarantined in a building, secure enclosure with no means of escape or in any other manner approved by Animal Care Services that will keep the animal from coming in contact with any other animal. If an animal is a house pet and the owner must allow the animal outside in a manner that would violate this section, then the owner must have the animal on a leash or lead, be present at all times the animal is outside, and keep the animal on the owner's property. If the owner is unable or refuses to quarantine the animal as described, then the animal must be quarantined at the Animal Care Services Center, a boarding kennel, or licensed veterinarian's office. Animal Control Services shall have the power to apprehend and impound an animal found in violation of the quarantine requirements. The owner of the animal is responsible for any costs incurred during confinement. If there is no known owner of the animal, then the animal shall be quarantined at the Animal Care Services Center.

C. At the expiration of the quarantine requirement and prior to the release from quarantine, the animal must be examined by a licensed veterinarian who shall certify the animal as not rabid. This certification must be presented to the Bartholomew County Health Department within three days of the examination. The owner is responsible for the certification. If the owner is unknown, Animal Care Services shall be responsible for certification.

D. It is unlawful for the owner of any warm-blooded animal, when notified that such animal has bitten, scratched or caused an abrasion of the skin of a human being, or is known or suspected of being rabid, to sell, give away, allow to escape, or be taken from the limits of the city during the quarantine period.

E. If the animal is a wild, exotic or a domestic animal that is injured or diseased, and the owner is unknown, then Animal Care Services or the Bartholomew County Health Department may require the animal be euthanized and the head removed by a licensed veterinarian, and transported to the State Board of Health prior to the expiration of the quarantine requirement.

F. If it should be determined that an animal is rabid, then it shall be euthanized by a licensed veterinarian, the head of the animal removed by a licensed veterinarian, and transported to the State Board of Health. The cost of euthanasia, removal of the head, and transportation shall be the responsibility of the owner. If the owner is unknown, then the cost shall be the responsibility of Animal Care Services.

G. If any animal shall die during the quarantine period, the head of the animal shall be removed by a licensed veterinarian and transported to the State Board of Health. The cost of removal and transportation shall be the responsibility of the owner. If the owner is unknown, then the cost shall be the responsibility of Animal Care Services.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-41)

6.08.245 Biting animals violation--Reporting and quarantining—Penalty.

For the first violation of Section 6.08.240, a fine of fifty dollars with the fine increasing in increments of fifty dollars for each subsequent offense within one year of the first offense, but not more than one thousand dollars.

(Ord. 08-17 § 1 (part), 2008; Ord. 98-34 § 6, 1998: prior code § 4-42 (b))

6.08.250 Biting animals violation--Penalty.

Any person who owns an animal who has bitten a human being or other domestic animal is subject to a fine of one hundred dollars for the first offense increasing in increments of four hundred dollars for each subsequent offense within one year of the first offense, but not more than one thousand dollars.

(Ord. 08-17 § 1 (part), 2008)

6.08.270 Exception.

Canine law enforcement officers are exempt from this section while in the performance of their official duties, as described by local, state and federal law.

(Ord. 08-17 § 1 (part), 2008)

Section VI. Title 6 - Animals, Chapter 6, Article 10 of the Columbus City Code, is unchanged and continues to read as follows:

Chapter 6.10
DEAD ANIMAL DISPOSAL

- 6.10.010 Dead animal disposal.
- 6.10.020 Violations – Penalties.

6.10.010 Dead animal disposal.

A person owning, caring for, or possessing any animal that has died from any cause shall dispose of the animal body or parts of the animal body within twenty-four hours after knowledge of death. Disposal of the animal body or animal body parts, must be in compliance with requirements of the Indiana State Board of Animal Health (ISBOAH) and the Indiana Department of Environmental Management (IDEM).

(Ord. 08-17 § 1 (part), 2008)

6.10.020 Violations-Penalties.

Persons who violate this section are subject to a fine of fifty dollars for the first offense increasing in increments of fifty dollars for each subsequent offense within one year of the first offense, but not more than one thousand dollars.

(Ord. 08-17 § 1 (part), 2008)

Section VII. Title 6 - Animals, Chapter 6, Article 12 of the Columbus City Code, is hereby amended to read as follows:

Chapter 6.12
DOGS AND CATS

- 6.12.010 Identification of animals.
- 6.12.020 Approved means of identification.
- 6.12.030 City identification tags and fees.
- 6.12.040 Use of identification for other animals.
- 6.12.050 Identification violations — Penalties.
- 6.12.060 Rabies vaccinations required and Penalties.

6.12.010 Identification of animals.

All dogs and cats of any age must have current and valid identification upon them, whenever outside the dwelling unit of the owner. Upon reasonable inquiry by Animal Care Services or Law enforcement agency, every person, owner, agent, or keeper must provide upon that request and to the

best of their knowledge the following information related to the animal(s) under their care or control; number of animals, breed, sex, age, name, medical and vaccination history, and disposition if applicable.

(Ord. 08-17 § 1 (part), 2008)

6.12.020 Approved means of identification.

The means of identification required by this section shall be in addition to any tags required to be worn by dogs or cats by state law or other provision, and shall include, but not be limited to, one or more of the following;

A. A current and valid rabies tag as required by state law, attached to a durable-collar worn at all times by the dog or cat, which includes the year issued, the veterinarian or agency, including telephone number, of who issued the tag, and a legible and traceable identification number; or

B. A microchip implanted in the dog or cat which bears a registered identification number, and which can be read by a standard microchip scanner; or

C. A permanent tag or plate attached to a durable collar worn at all times by the dog or cat, and bearing the owner's current name, address and telephone number; or

D. Other means of identification recommended by the Animal Care Services Manager and approved by the Animal Care Services Commission.

(Ord. 08-17 § 1 (part), 2008)

6.12.030 City identification tags and fees.

A. The City of Columbus will make available an approved identification tag and registration form or micro-chipping and registration for any pet owner upon their request and the proper completion of the registration.

B. The fee for city identification tags/micro-chipping is as follows: fifteen dollars for a spayed or neutered dog or cat and twenty-five dollars for an unaltered dog or cat.

(Ord. 08-17 § 1 (part), 2008)

6.12.040 Use of identification for other animals.

No person shall use a rabies vaccination tag or a city identification tag for any animal other than the animal for which it was issued.

(Ord. 08-17 § 1 (part), 2008)

6.12.050 Identification violations – Penalties.

Owners who violate Sections 6.12.010 through 6.12.040 are subject to a fine twenty dollars for the first offense increasing in increments of twenty dollars for each subsequent offense within one year

of the first offense, but not more than one thousand dollars. Additionally Animal Care Services may require the purchase of a City identification tag or micro-chipping prior to release of any impounded animal.

(Ord. 08-17 § 1 (part), 2008)

6.12.060 Rabies vaccinations required and Penalties.

A. It is unlawful to own or harbor any dog or cat the age of three months or older without a valid rabies vaccination.

B. Any person who violates division A. of this section shall be subject to a fine of twenty dollars for the first offense, fifty dollars for the second offense, and then increasing in increments of fifty dollars for each subsequent offense within one year of the first offense, but not more than one thousand dollars.

(Ord. 08-17 § 1 (part), 2008)

Section VIII. Title 6 - Animals, Chapter 6, Article 16 of the Columbus City Code, is hereby amended to read as follows:

**Chapter 6.16
ADOPTED ANIMALS**

6.16.010	Adoption fee.
6.16.020	Spaying and neutering.
6.16.030	Care of adopted animals.
6.16.040	Violations--Penalties.

6.16.010 Adoption fee.

Generally, the fee for adopting a dog will be one hundred dollars, and the fee for adopting a cat will be eighty dollars; however, the fee for adopting either a dog or a cat is ultimately at the discretion of the Animal Care Services Manager.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-45)

6.16.020 Spaying and neutering.

Any dog or cat adopted from Animal Care Services must be spayed or neutered by a licensed veterinarian by the age of six months. An exception is only made if a licensed veterinarian certifies that said animal is physically unable to undergo such an operation. In which case the dog or cat is to be spayed or neutered as soon as the veterinarian determines that the animal is able.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-43)

6.16.030 Care of adopted animals.

A. Any animal adopted from the Animal Care Services shall be kept in conditions that do not violate any section of this title or violate any applicable county, state and federal laws governing treatment of animals.

B. Animal Care Services may visit and/or make inquiry concerning this pet at any reasonable time.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-44)

6.16.040 Violations—Penalties.

Any person found in violation of this chapter may have the adopted animal reclaimed and/or be issued a notice of violation.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-46)

Section IX. Title 6 - Animals, Chapter 6, Article 20 of the Columbus City Code, is hereby amended to read as follows:

Chapter 6.20 HUNTING AND TRAPPING

- 6.20.010 Hunting within city limits unlawful - Penalty.
- 6.20.020 Trapping on city property unlawful - Penalty.
- 6.20.030 Exemptions.

6.20.010 Hunting within city limits unlawful—Penalty.

No person shall engage in the hunting of any animal within the city limits. Any person found violating this section shall have his hunting weapon or weapons seized until further order of the court hearing the ordinance violation. The officers of the Animal Care Services Commission or sworn officers of the police department shall be empowered to enforce this prohibition which shall include, but not be limited to, the levy of a fine for ordinance violation in the amount of three hundred dollars per occurrence plus court costs and/or forfeiture of said hunting weapon.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-48)

6.20.020 Trapping on city property unlawful—Penalty.

No person shall engage in the trapping of any animal on real property owned by the city or real property owned by agencies and/or commissions of the city as defined by the Indiana Code. The officers of the Animal Care Services Commission or sworn officers of the police department shall be empowered to enforce this prohibition which shall include, but not be limited to, the levy of a fine for ordinance

violation in the amount of three hundred dollars per occurrence plus court costs and/or forfeiture of said trapping device.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-49)

6.20.030 Exemptions.

A. The officers and agents of the police department and the Animal Care Services Manager, his staff or designated agent are exempt from Sections 6.20.020 and 6.20.030 while in the performance of their official duties.

B. Navigable waterways remain under the Indiana Department of Natural Resources exclusive jurisdiction. The taking of wild animals by trapping on non-navigable waterways is further exclusively regulated by the Indiana Department of Natural Resources.

(Ord. 08-17 § 1 (part), 2008; Prior code § 4-50)

Section X. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section XI. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, on this the _____ day of June, 2012, by a vote of _____ ayes and _____ nays.

Kristen Brown, Mayor
Presiding Officer of the Common Council

ATTEST:

Clerk of the Common Council of Columbus, Indiana
Luann Welmer

Presented by me to the Mayor of Columbus, Indiana, this _____ day of _____, 2012 at _____ o'clock _____.m.

Luann Welmer

Clerk-Treasurer

Approved and signed by me this _____ day of _____, 2012 at _____ o'clock _____.m.

Kristen Brown
Mayor of the City of Columbus, Indiana

ORDINANCE NO. _____, 2012

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA,
TO AMEND CHAPTER 2 OF THE COLUMBUS CITY CODE
BY ADDING CHAPTER 2, ARTICLE 94, CITY GARAGE DEPARTMENT**

WHEREAS, Indiana Code 36-1-3 *et. seq.* confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government; and

WHEREAS, Indiana Code 36-4-6-18 authorizes the Common Council of the City of Columbus, Indiana to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit; and

WHEREAS, Indiana Code 36-4-9-4 authorizes the Common Council of the City of Columbus, Indiana to pass an ordinance establishing a City Garage Department if necessary to efficiently perform the administrative functions of the City's needs; and

WHEREAS, it is the desire of the Common Council to establish a City Garage Department in the City of Columbus.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, AS FOLLOWS:

Section I. Chapter 2, Article 94, Sections .010 and .020, of the Columbus City Code, is hereby enacted to read as follows:

**Chapter 2.94
CITY GARAGE DEPARTMENT**

- | | |
|----------|--------------------------------|
| 2.94.010 | Established. |
| 2.94.020 | City Garage Operations Manager |

2.94.010 Established.

There is established pursuant to Indiana Code 36-4-9-4, a city garage department responsible for city services related to and including, but not limited to: streets, traffic, motor vehicle highway, recycling, shop and garage, and trash/sanitation. The department shall be controlled and operated by the board of public works and safety pursuant Columbus Municipal Code 2.50.010. City Garage Department may also be referred to in the City of Columbus Municipal Code as Department of Sanitation and/or Streets and/or Traffic and/or Motor Vehicle Highway. All of these terms are used interchangeably.

2.94.020 City Garage Operations Manager

The department shall have an operations manager responsible for the day to day supervision and operation of the city services set forth in 2.92.010 and shall be the department head. The city garage operations manager shall report to the Mayor.

Section II. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section III. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, on this the _____ day of June, 2012, by a vote of _____ ayes and _____ nays.

Kristen Brown, Mayor
Presiding Officer of the Common Council

ATTEST:

Clerk of the Common Council of Columbus, Indiana
Luann Welmer

Presented by me to the Mayor of Columbus, Indiana, this _____ day of _____, 2012 at _____ o'clock _____.m.

Luann Welmer
Clerk-Treasurer

Approved and signed by me this _____ day of _____, 2012 at _____ o'clock _____.m.

Kristen Brown
Mayor of the City of Columbus, Indiana

ORDINANCE NO. _____, 2012

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA,
TO AMEND CHAPTER 2 OF THE COLUMBUS CITY CODE
BY ADDING CHAPTER 2, ARTICLE 96, ENGINEERING DEPARTMENT**

WHEREAS, Indiana Code 36-1-3 *et. seq.* confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government; and

WHEREAS, Indiana Code 36-4-6-18 authorizes the Common Council of the City of Columbus, Indiana to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit; and

WHEREAS, Indiana Code 36-4-9-4 and 36-9-7-2 authorizes the Common Council of the City of Columbus, Indiana to pass an ordinance establishing an Engineering Department necessary to efficiently perform the administrative functions of the City's needs; and

WHEREAS, it is the desire of the Common Council to establish an Engineering Department in the City of Columbus.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, AS FOLLOWS:

Section I. Chapter 2, Article 96, Sections .010 and .020, of the Columbus City Code, is hereby enacted to read as follows:

**Chapter 2.96
ENGINEERING DEPARTMENT**

2.96.010 Established.
2.96.020 City Engineer

2.96.010 Established.

There is established pursuant to Indiana Code 36-4-9-4 and 36-9-7-2, an engineering department responsible for advise, powers and duties as set forth in IC 36-9-7 *et. seq.*, which include, but are not limited to: street design and construction, contracted street maintenance and improvements, storm drainage, storm water quality as mandated by EPA Clean Water Act ad IDEM, and traffic engineering (including the installation and operation of traffic signals, signs and pavement markings). The City Engineer is also responsible for budgeting, right-of-way acquisitions, and permitting of such projects. The department shall be controlled and operated by the board of public works and safety pursuant Columbus Municipal Code 2.50.010.

2.96.020 City Engineer

The department shall have a director responsible for the day to day supervision and operation of the department. The director shall be the City Engineer appointed by and reporting to the Mayor pursuant to the requirements of IC 36-9-7 *et seq.* City Engineer is also referred to in the City of Columbus Municipal Code and the Indiana Code, as City Civil Engineer and City Traffic Engineer. All of these terms are used interchangeably.

Section II. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section III. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, on this the _____ day of June, 2012, by a vote of _____ ayes and _____ nays.

Kristen Brown, Mayor
Presiding Officer of the Common Council

ATTEST:

Clerk of the Common Council of Columbus, Indiana
Luann Welmer

Presented by me to the Mayor of Columbus, Indiana, this _____ day of _____, 2012 at _____ o'clock _____.m.

Luann Welmer
Clerk-Treasurer

Approved and signed by me this _____ day of _____, 2012 at _____ o'clock _____.m.

Kristen Brown
Mayor of the City of Columbus, Indiana

Current City of Columbus Fireworks Ordinance (8.20):

1. Current ordinance is not up to date, and in conflict with, current statutory language and requirements.
2. “Appears” current ordinance was enacted to prohibit use/discharge of any type of firework other than those that cause smoke, small noises or are “sparkler” like. (Now known as Sec. 8(a) fireworks)
3. “Appears” one cannot use/discharge fireworks specifically listed in 8.20.020. However, it does not appear to ban “all” fireworks. Can arguably use fireworks listed under 8.20.030(B) or others that do not fit the description in 8.20.20. Ordinance is over 32 years old and other types of fireworks have been developed.
4. Current ordinance is in conflict with current fireworks state statute 22-11-14, as the ordinance prohibits all use, at all times, of some fireworks that are now allowed, at a minimum, to be discharged during a period surrounding July 4 and New Year’s Eve.

Current State Law (22-11-14) which municipalities must comply with (and which overrides our current ordinance):

1. Separates Fireworks into 3 categories: Special, Consumer and Sec. 8(a). (See attached spreadsheet)
 - a. Special fireworks need a permit to be set off. Set off location to be approved by Fire Chief and permit to be obtained through Indiana State Fire Marshal Department (can obtain online).
 - b. **Consumer Fireworks** can be set off:
 - i. Between 9 am and 11 pm every day.
 - ii. Between 9 am and midnight on Holidays.
 1. “Holidays” include: New Year’s Day, Martin Luther King, Jr. Day (3rd Mon. in Jan.), Abraham Lincoln’s Birthday (Feb. 12), George Washington’s Birthday (3rd Mon. in Feb), Good Friday, Memorial Day, July 4, Labor Day, Columbus Day, Election Day, Veterans Day, Thanksgiving Day, Christmas Day, and every Sunday (the first day of the week).
 - iii. At the property of the purchaser, at another person’s property with permission or at a special discharge location granted by permission from the Fire Chief.
 - c. Sec 8(a) Fireworks can be set off at any time on any day.
2. If a municipality wants to ban all use of **consumer fireworks**, or place stricter limits on when consumer fireworks can be used, a municipality can do so. However, a municipality may not ban or restrict use during the following dates and times pursuant to 22-11-14-10.5:
 - a. Between the hours of 5:00 p.m. and two (2) hours after sunset on and between June 29 through July 3 and July 5 through July 9;
 - b. Between the hours of 10:00 am and 12:00 midnight on July 4; and
 - c. Between the hours of 10:00 am on December 31 and 1:00 am on Jan. 1.

Not considered fireworks	Fireworks	Consumer Firework	Fireworks under Sec. 8(a)	Special Fireworks
Model Rockets	Any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation.	Small firework designed primarily to produce visible effects by combustion.	Dipped sticks or wire sparklers	Fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation, including firecrackers containing more than 130 milligrams of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other exhibition display items that exceed the limits for classification as consumer fireworks.
Toy pistol caps	Consists of consumer fireworks, items referenced in section 8(a) and special fireworks.	Small devices producing an audible effect, such as whistling devices, ground devices containing 50 milligrams or less of explosive composition and aerial devices containing 130 milligrams or less of explosive composition	Cylindrical fountains	Interstate wholesalers must keep record of each sale of special fireworks including purchaser's name, address and date of sale. Records to be kept for 3 years.
Emergency signal flares		Aerial devices: sky rockets, missile type rockets, helicopter or aerial spinners, roman candles, mines, shells	Cone fountains	
Matches		Ground audible devices: firecrackers, salutes and chasers	Illuminating torches	
Fixed ammunition for firearms		Firework devices containing combinations of the effects of aerial devices and ground audible devices	Wheels	
Ammunition components intended for use in firearms, muzzle loading cannons, or small arms.		Do not include Section 8(a) items.	Ground spinners	
Shells, cartridges, and primers for use in firearms, muzzle loading cannons or small arms.			Filter sparklers.	
Indoor pyrotechnics special effects material			Snakes or glow worms	
M-80's, cherry bombs, silver salutes and any device banned by the federal government.			Smoke devices	
			Trick noisemakers: party poppers, booby traps, snappers, trick matches, cigarette loads, auto burglar alarms.	
		**Can be discharged any time between 9 am to 11 pm on any day. Can be discharged between 9 am and midnight on Holidays set forth in 1-1-9-1. **If municipality wants to ban the use of consumer fireworks -- can do so other than time surrounding July 4th and New Years Eve as set forth in 22-11-14-10.5.	Can be discharged any time. No limits as to day or time.	Can be set off with permit only (22-11-14-2)
		Person may use consumer fireworks (1) on the property of the purchaser; (2) on the property of another with permission; or (3) special discharge location allowed by Chief of Fire Department under 22-11-14-4.		
Retailer may sell consumer fireworks and 8(a) fireworks from a tent under conditions in IC 22-11-14-4.5 Need to register and file the required application with the state fire marshal. Permit must be hung and list fireworks sold.				
Permit can be applied for if desire a public display of fireworks and insurance required. (22-11-14-2)				
Fireworks cannot be sold to anyone under 18.	Persons under 18 may possess or use a firework only in the presence of an adult.			

Fireworks with red print are those listed in the current city ordinance that are prohibited from being discharged.

Fireworks listed in green are those listed in the current city ordinance, that "appear" to be ones that could always be purchased and used.